











---

T H E  
**Statutes at Large,**

FROM THE

26<sup>th</sup> to the 30<sup>th</sup> Year of King GEORGE II.

B Y

DANBY PICKERING, of GRAY's INN, Esq;

---



T H E  
**Statutes at Large,**

F R O M T H E

26<sup>th</sup> to the 30<sup>th</sup> Year of King GEORGE II.

To which is prefixed,

A TABLE containing the TITLES of all the STATUTES  
during that Period.

---

V O L. XXI.

---

By DANBY PICKERING, of Gray's-Inn, Esq;  
Reader of the Law Lecture to that Honourable Society.

---

C A M B R I D G E,

Printed by JOSEPH BENTHAM, Printer to the UNIVERSITY;  
for CHARLES BATHURST, at the Cross-Keys, opposite St. Dunstan's  
Church in Fleet-Street, London. 1766.

---

C U M P R I V I L E G I O.



## A



## TABLE of the STATUTE

Containing the Titles of all such Acts as are extant in print, from the Twenty Sixth to the Twenty Ninth Year of King GEORGE II. inclusive.

*Anno 26 Georgii II.*

**Cap. 1.** FOR continuing and granting to his Majesty certain duties upon malt, mum, cyder and perry, for the service of the year one thousand seven hundred and fifty three; and for enlarging the time limited by an act of the last session of parliament, for subscribing annuities, after the rate of three pounds *per centum per annum*, into the joint stock of annuities therein mentioned.

**Cap. 2.** To amend an act made in the eighth year of the reign of his late majesty King George the First, intituled, *An act for the better recovery of the penalties inflicted upon persons who destroy the game*, by enlarging the time within which suits and actions are to be brought by force of the said act.

**Cap. 3.** For continuing the duties upon salt, and upon red and white herrings, for the purposes therein mentioned.

**Cap. 4.** For granting an aid to his Majesty by a land tax, to be raised in *Great Britain*, for the service of the year one thousand seven hundred and fifty three.

**Cap. 5.** For punishing mutiny and desertion; and for the better payment of the army and their quarters.

**Cap. 6.** To oblige ships more effectually to perform their quarantine; and for the better preventing the plague being brought from foreign

VOL. XXI.

parts into *Great Britain or Ireland*, or the isles of *Guernsey, Jersey, Alderney, Sark, or Man*.

**Cap. 7.** For the more easy and speedy recovery of small debts within the borough of *Boston*, and *Skirbeck Quarter*, and the parishes of *Boston* and *Skirbeck*, in the county of *Linc's co'n*.

**Cap. 8.** For opening the port of *Exeter* for the importation of *wool*, and *woollen yarn*, from *Ireland*.

**Cap. 9.** To explain, amend, and render more effectual, an act made in the twenty third year of the reign of his present Majesty, intituled, *An act for the encouragement of the British white herring fishery*; and for regulating the said fishery according to the calendar now in use, and for other purposes therein mentioned.

**Cap. 10.** For enlarging the time, and continuing the duties granted by several acts of parliament for repairs of the piers of *Bridlington*, alias *Burlington*, in the county of *York*; and for making the said acts more effectual.

**Cap. 11.** For permitting the exportation of *wool*, and *woollen or bay yarn*, from any port in *Ireland*, to any port in *Great Britain*.

**Cap. 12.** To prevent wines imported into any of the out-ports of this kingdom, being afterwards brought into the port of *London*, or parts adjacent, without paying the *London duty*.

# A TABLE of the STATUTES

- Cap. 15. For the more effectually preventing the fraudulent removal of tobacco by land or water, and for the ease of the fair trader in tobacco ; and for ascertaining the rates payable for the portage of certain letters ; and for amending and explaining the laws relating to the sale of spirituous liquors by retail.
- Cap. 14. For the settling and ascertaining the fees to be taken by clerks to justices of the peace.
- Cap. 15. For allowing interest upon certain debentures for the bounty granted on the exportation of corn.
- Cap. 16. For reducing the number of directors of the corporation of the governor and company of merchants of Great Britain trading to the South Seas, and other parts of America ; and for encouraging the fishery ; and for regulating the election of the governors and directors of the said company.
- Cap. 17. For the more effectual levying of the duties upon windows or lights, in that part of Great Britain called Scotland
- Cap. 18. For enlarging and regulating the trade into the Levant seas.
- Cap. 19. For enforcing the laws against persons who shall steal or detain shipwrecked goods ; and for the relief of persons suffering losses thereby.
- Cap. 20. For encouraging and improving the manufactory of linen in the highlands of Scotland.
- Cap. 21. For encouraging the silk manufactures of this kingdom ; and for securing the duties payable upon the importation of velvets, wrought silks, and silks mixed with other materials, not manufactured in Great Britain.
- Cap. 22. For the purchase of the Museum, or collection of Sir Hans Sloane, and of the Harleian collection of manuscripts ; and for providing one general repository for the better reception and more convenient use of the said collections, and of the Cottonian Library, and of the additions thereto.
- Cap. 23. For granting to his Majesty a certain sum of money therein mentioned out of the sinking fund ; and for applying certain surplus monies remaining in the exchequer, for the service of the year one thousand seven hundred and fifty three ; and for the further appropriating the supplies granted in this session of parliament ; and for enlarging the time limited by an act of the last session of parliament, for subscribing annuities after the rate of three pounds per centum per annum, and three pounds ten shillings per centum per annum, into the joint stock of annuities ; and for other purposes therein mentioned.
- Cap. 24. For allowing further time for enrolment of deeds and wills made by papists ; and for relief of protestant purchasers, devisees, and lessees.
- Cap. 25. To render more effectual an act made in the twelfth year of the reign of her late majesty Queen Anne, intituled, *An act for providing a publick reward for such persons as shall discover the longitude at sea*, with regard to the making experiments of proposals made for discovering the longitude ; and to enlarge the number of commissioners for putting in execution the said act.
- Cap. 26. To permit persons professing the Jewish religion, to be naturalized by parliament ; and for other purposes therein mentioned.
- Cap. 27. To confirm certain acts and orders made by justices of the peace being of the quorum, notwithstanding any defect in not expressing therein, that such justices of the peace are of the quorum.
- Cap. 28. For the preventing of the inconveniences and dangers that may arise from the present methods of

## A T A B L E of the S T A T U T E S.

- of digging gravel, sand, stone, chalk, and other materials, on the several commons and waste grounds within this kingdom, for the repair of the highways, and for other purposes.
- Cap. 29. To explain, amend and continue, the provisions made by two acts of parliament of the nineteenth and twenty first years of his Majesty's reign, for the more effectual disarming the highlands in *Scotland*, and to make provision for the more speedy ascertaining the lawful debts or claims upon the lands and hereditaments that some time belonged to *Alexander Robertson of Strowan*, which, with other forfeited estates, are, by an act of the twenty fifth year of his Majesty's reign, annexed to the crown unalienable.
- Cap. 30. For the amendment and preservation of the publick highways and turnpike roads of this kingdom, and for the more effectual execution of the laws relating thereto.
- Cap. 31. For regulating the manner of licensing alehouses in that part of *Great Britain* called *England*; and for the more easy convicting persons selling ale, and other liquors, without licence.
- Cap. 32. For continuing several laws relating to the punishment of persons going armed or disguised, in defiance of the laws of customs or excise; to the drawback of the duties upon copper bars exported; and to the duties upon foreign-made sail cloth; and also for encouragement of the silk manufactures; and for taking off several duties on merchandizes exported; and for encouraging the trade of the sugar colonies in *America*; and for vacating the security for the duty on salt lost in any river, or in port, after shipped, and for enlarging the time for proving the loss of salt; and for relief of masters of ships with respect to the importation of soap and candles, contrary to an act made in the twenty third year of his Majesty's reign; and also for the more effectual payment of the bounties upon *British-made-sail cloth*; and to empower the commissioners of the treasury to direct the payment of the bounty to *John Henniker*, and others, upon four ships fitted out for the whale fishery, and lost in the *Greenland* seas, and also to *Philip How*, and others, upon two ships employed in the said fishery, notwithstanding some of the forms required by law in fitting out such ships were not complied with.
- Cap. 33. For the better preventing of clandestine marriages.
- Cap. 34. To explain, amend, and continue several laws more effectually to prevent the spreading of the distemper which now rages amongst the horned cattle in this kingdom; for the more effectual paying the expences of passing vagrants; for obviating doubts that may arise touching the keeping of prisoners until the prison of the marshalsea of the court of *King's Bench* shall be rebuilt or repaired; and for amending so much of the act of the twenty fourth of his present Majesty, for regulating the commencement of the year, and for correcting the calendar now in use, as relates to the time of electing publick officers of the city of *Chester*.
- Cap. 35. For confirming an agreement entered into between the company of proprietors of the undertaking for recovering and preserving the navigation of the river *Dee*, and *Sir John Glynne* baronet, lord of the manor of *Hawarden*, and several freeholders and occupiers of land within the said manor; and for explaining and amending three several acts of parliament of the sixth, fourteenth,

## A TABLE of the STATUTES.

and seventeenth years of his present Majesty's reign, for recovering and preserving the navigation of the said river *Dee*.

**Cap. 36.** For erecting several publick buildings in the city of *Edinburgh*, and to impower the trustees therein mentioned, to purchase lands for, that purpose; and also for widening and enlarging the streets of the city, and certain avenues leading thereunto.

**Cap. 37.** For repairing the road leading from the town of *Penrith* in the county of *Cumberland*, by *Hutton Hall*, over *Skelton* and *Castleforverby Pastures*, and *Seabraham Bridge*, to *Chalkbeck* in the said county; and also the road which branches and separates from the same road upon *Castleforverby Pasture* aforesaid, and leads from thence through *Hesket*, otherwise *Hesket New Market*, to *Caldbeck* in the said county.

**Cap. 38.** To enable the parishioners of the parish of *Stone*, in the county of *Stafford*, to rebuild the church of the said parish.

**Cap. 39.** For repairing and widening several roads leading from the town of *Bewdley*, in the county of *Worcester*, to the several places therein mentioned, in the counties of *Worcester* and *Salop* respectively.

**Cap. 40.** For repairing the roads from the city of *Carlisle*, to the town of *Penrith* in the county of *Cumberland*, and from the said town of *Penrith*, to *Emont Bridge*, which divides the counties of *Cumberland* and *Westmorland*.

**Cap. 41.** For continuing, making more effectual three acts of parliament, passed in the ninth and twelfth years of the reign of her late majesty Queen *Anne*, and the fifth year of the reign of his present Majesty, for repairing the highways between *Dunstable* and *Hockliffe*, in the county of *Bedford*; and also

for repairing the road from the sign of the *White Horse* to the sign of the King's Arms in *Hockliffe* aforesaid.

**Cap. 42.** For repairing and widening the road from the west end of *Second Street*, in the county of *Wilts*, to the *Horse and Jockey*, in the parish of *Box*, in the said county.

**Cap. 43.** For enlarging the church-yard of the parish of *Paddington*, in the county of *Middlesex*.

**Cap. 44.** For laying a duty of two pennies *Scots*, or one sixth part of a penny *sterling*, on every *Scots* pint of ale and beer which shall be brewed for sale, brought into, tapped or sold, within the town of *Dysart*, and liberties thereof, and all places adjacent, lying within three hundred yards of the boundaries of the said liberties, for repairing, improving, and preserving the harbour of the said town.

**Cap. 45.** For building a new church within the town of *Manchester*, in the county palatine of *Lancaster*.

**Cap. 46.** For repairing the road from the borough of *Leicester*, in the county of *Leicester*, to the town of *Albby de la Zouch* in the said county.

**Cap. 47.** For repairing and widening several roads leading from the market-house in *Stourbridge*, and other roads therein mentioned, in the counties of *Worcester*, *Stafford*, *Salop*, and *Warwick* respectively.

**Cap. 48.** For enlarging the term and powers granted by an act passed in the twentieth year of the reign of his present Majesty, for repairing the high road leading from the city of *Durham*, in the county of *Durham*, to *Tyne Bridge* in the said county.

**Cap. 49.** For repairing the road from the city of *Carlisle*, in the county of *Cumberland*, to the market and seaport town of *Workington* in the said county.

**Cap. 50.** For repairing and widening the

## A TABLE of the STATUTES.

- the roads leading from *Redstone Ferry*, in the county of *Worcester*, to the *Hundred House*; and from thence to *Monksbridge*, in the road to the town of *Tenbury*; and from the said *Hundred House*, to the said town of *Tenbury* in the said county.
- Cap. 51. For repairing and widening the roads leading from a place called *Basing-stone*, near the town of *Bagshot*, in the parish of *Windlesham*, in the county of *Surrey*, thro' *Frimley* and *Farnham*, in the same county; and from thence through *Bentley*, *Holybourn*, *Alton*, *Chawton*, *Ropley*, *Bishop's Sutton*, *New Alresford*, and *Mattingley*, otherwise *Matterley Lane*, to the city of *Winchester*, in the county of *Southampton*.
- Cap. 52. For widening and repairing the high road leading from *Heron Syke*, which divides the counties of *Lancaster* and *Westmorland*, to the town of *Kirby* in *Kendal*, and from the said town of *Kirby* in *Kendal*, thro' the town of *Shapp*, to *Emont Bridge*, in the said county of *Westmorland*.
- Cap. 53. To continue and render more effectual three acts of parliament, passed in the eleventh year of the reign of his late majesty King *George the First*, and in the third and twenty second years of the reign of his present Majesty, for repairing the road from *Sherbrooke Hill*, near *Buxton* and *Chapel in the Frith*, in the county of *Derby*, thro' the town of *Stockport*, in the county of *Chester*, to *Manchester* in the county of *Lancaster*, and other roads in the said acts mentioned; and for repairing the road from the *School House* in *Didsbury*, to the bridge in *Wimflow*, in the county of *Chester*; and for erecting a bridge over the river *Mersey*.
- Cap. 54. For repairing and widening the road leading from *Flimwell Vent*, in the parish of *Ticehurst*, in the county of *Sussex*, to the town and port of *Hastings*, in the said county.
- Cap. 55. For enlarging the term and powers granted by an act made in the eleventh year of his present Majesty's reign, intituled, *An act for repairing the road from Shoreditch Church, through Hackney, to Stamford Hill, and croſs Cambridge Heath, over Bethnal Green, to the turnpike at Mile End, in the county of Middlesex*.
- Cap. 56. For continuing and giving further powers to the trustees for putting in execution two acts of parliament for repairing the roads from the parish of *Enfield*, in the county of *Middlesex*, to the town of *Hertford*, and other roads in the said acts mentioned.
- Cap. 57. For raising a sum of money by a county rate, for purchasing a proper prison for debtors in the county of *Devon*.
- Cap. 58. For building a chapel on the common, in the parish of *Portsea*, in the county of *Southampton*, and for vesting power in certain trustees for the regulation thereof.
- Cap. 59. For repairing and widening the road from the west end of the town of *Burton upon Trent*, in the county of *Stafford*, through the said town, to the south end of the town of *Derby*, in the county of *Derby*.
- Cap. 60. For repairing and widening the road from the top of *White Sheet Hill*, in the parish of *Donhead Saint Andrew*, in the county of *Wilts*, through the towns of *Shaftesbury*, *Milborne Port*, and *Sherborne*, in the counties of *Dorset* and *Somerset*, to the *Halfway House*, in the parish of *Nether Lower Compton*, in the said county of *Dorset*, and several other roads near the towns of *Shaftesbury* and *Sherborne* aforesaid.
- Cap. 61. For enlarging the term and powers granted by an act passed in the fourteenth year of the reign of his present Majesty, intituled, *An act for repairing the road leading from*

## A TABLE of the STATUTES.

- from Ealand, to the town of Leeds, in the west riding of the county of York.
- Cap. 62. For repairing and widening the roads from *Horsbells Smithy*, upon *Cranage Green* through the town of *Nether Knutsford*, and by the *South Guide Post* in *Mere* and *Bucklow Hill*, to the town of *Altringham*, in the county palatine of *Chester*; and from the said *Guide Post* to *Warrington*, in the county of *Lancaster*; and from *Bucklow Hill* aforesaid, to *Penny's Lane*, near *Northwicth*, in the said county of *Chester*.
- Cap. 63. For repairing and widening the roads from a certain place in the town of *Salford*, to the towns of *Warrington* and *Bolton*, and thro' *Wardley Lane*, to the town of *Wigan*, and to the *Stocks* in the township of *Duxbury*, and to a place called the *Broad Oak*, in *Worlesey*, in the county palatine of *Lancaster*.
- Cap. 64. For repairing and widening the road from *Tadcaster*, through *Newton*, *Collingham*, *Harewood*, *Arthington*, and *Pool*, to *Otley*, in the west riding of the county of *York*.
- Cap. 65. For enlarging the term and powers granted by two acts of parliament, one passed in the twelfth year of the reign of his late majesty King *George the First*, and the other passed in the nineteenth year of the reign of his present Majesty, for repairing the road from *Liverpool* to *Prescot*, and other roads therein mentioned, in the county palatine of *Lancaster*; and also for repairing the road from *Prescot*, through *Whiston*, *Rain-bill*, *Bo'd* and *Sankey*, to the town of *Warrington*, and also the road from *Saint Helen* to *Ashton* in the said county palatine.
- Cap. 66. For repairing and widening the roads leading from *Lebcomb Corner*, in the parish of *Winterstow*, to *Harnham Bridge*, in the county of *Wilts*; and from the west corner of *Saint Anne's Street*, in the city of *New Sarum*, to the parishes of *Landford* and *Brook*; and from thence to *Ealing*, and from *Landford* aforesaid, through *Ower* and *Tiffield*, to *Ealing* aforesaid, in the county of *Southampton*.
- Cap. 67. For repairing and widening the road from the east end of *Brough under Stainmore*, in the county of *Westmorland*, by the end of *Appley Bridge*, to *Emont Bridge* in the said county.
- Cap. 68. For amending, widening and repairing, the road leading from *Dover* to *Barham Downs*, in the county of *Kent*.
- Cap. 69. For repairing and widening the road from the *Halfway House*, in the parish of *Lower Compton*, in the county of *Dorset*, through the towns of *Yeovil*, *Crewkerne*, and *Chard*, to the east end of the town of *Axminster*, in the county of *Devon*, and several other roads, round the said town of *Yeovil*, in the county of *Somerset*.
- Cap. 70. For repairing and widening the roads from the *Hand and Post* in *Upton Field*, in the parish of *Burford*, in the county of *Oxford*, through the several parishes within mentioned, to a place in the parish of *Preston*, in the county of *Gloucester*, called *Dancy's Fancy*.
- Cap. 71. For repairing and widening the roads therein mentioned, leading to and from the towns of *Shepton Mallet* and *Ivelchester*, in the county of *Somerset*.
- Cap. 72. For continuing and making more effectual two acts of parliament for repairing the roads leading from *Ipswich* to *Cleydon*, in the county of *Suffolk*, and other roads in the said acts mentioned; and for repairing the road from *Cleydon* aforesaid, to *Codenham Beacon*, in the said county.
- Cap. 73. To continue and render more

## A TABLE of the STATUTES.

more effectual two acts of parliament, one passed in the tenth year of the reign of his late majesty King George the First, and the other passed in the thirteenth year of the reign of his present Majesty, for repairing the road from *Dunckurch*, to the bottom of *Mereden Hill*, in the county of *Warwick*, and for repairing the road from the bottom of *Mereden Hill* aforesaid, to *Stone Bridge*, in the said county.

Cap. 74. For amending several roads leading from the city of *Exeter*.

Cap. 75. For widening and repairing the high road leading from *Northallerton*, to the south wall of the church-yard of the town of *Thirsk*, and from the south east end of the street called *Finkell Street*, in *Thirsk* aforesaid, to and through the town of *Easingwold*, in the county of *York*, to a place called *Burton Stone*, near the city of *York*; and also the road from *Thirsk* aforesaid, to *Topcliffe*, in the north riding of the county of *York*.

Cap. 76. For repairing and widening the road leading from *Piper's Inn*, in the parish of *Ashcott*, in the county of *Somerset*, to and through *Glaston*, otherwise *Glastonbury* and *Wells*, to the direction or white post, in the great western road to the city of *Bath*; and also from *Wells* to *Rush Hill*, leading to the city of *Bristol*.

Cap. 77. To explain and make more effectual an act passed in the fourteenth year of his present Majesty's reign, *For repairing the roads from Doncaster, through Ferry Bridge, to the south side of Tadcaster Cross; and also from Ferry Bridge to Wetherby, and from thence to Borough Bridge in the county of York.*

Cap. 78. To widen and repair the road from the guide post near the end of *Drayton Lane*, near *Banbury* in the county of *Oxford*, to the house called the *Sun Rising*, at the

top of *Edge Hill* in the county of *Warwick*.

Cap. 79. For laying a duty of two pennies *Scots*, or a sixth part of a penny *sterling*, upon every *Scots* pint of ale and beer which shall be brewed for sale, brought into, tapped or sold within the town and parish of *Preston Pans* in the shire of *East Lothian*, otherwise *Haddington*, for repairing the harbour of the said town, and for other purposes therein mentioned.

Cap. 80. To continue and render more effectual several acts of parliament for repairing the highways leading to *Highgate Gatehouse*, and *Hampstead*, and other roads in the said acts mentioned in the county of *Middlesex*.

Cap. 81. For repairing the roads from *Livingstoun*, by the kirk of *Shotts*, to the city of *Glasgow*, and by the town of *Hamilton*, to the town of *Strathaven*.

Cap. 82. For repairing the road from the turnpike road at *Buckton Burn* in the county of *Durham*, through *Berwick upon Tweed*, to *Lammerton Hill*, and also the several other roads therein mentioned, lying in the said county, and within the liberties of the said town of *Berwick*.

Cap. 83. For repairing and widening the roads from *Kibbly* to *Wakefield* and *Halifax*, and from *Dudley Hill* to *Killinghall*, and the south west corner of *Harrowgate Inclosures*, and more effectually to repair the roads from *Leeds* to *Hallifax*, and *Bowling Lane*, and *Little Horton Lane*, and for building a bridge over the river *Wharf* at *Poole* in the west riding of the county of *York*.

Cap. 84. For repairing and widening the roads from *Spann Smithy* in the township of *Elton*, through the town of *Middlewich*, and by *Spittle Hill* in *Stantborne*, to *Winsford Bridge*; and from *Spittle Hill*, to the

## • A TABLE of the STATUTES,

- the town of *Northwich* in the county palatine of *Chester*.
- Cap. 85.** For repairing the road from *Ashby de la Zouch* in the county of *Leicester*, through *Burton upon Trent* in the county of *Stafford*, and to the *Cook Inn* in *Tutbury* in the said county.
- Cap. 86.** For repairing, amending, and widening the road from *Kieghley* in the west riding of the county of *York*, to *Kirby* in *Kendal* in the county of *Westmorland*.
- Cap. 87.** For repairing and widening the road from the stones end near *Shoreditch church*, to the centre of the bridge in *Old-Street* road, and through *Old-Street* in the parish of *Saint Luke*, *Middlesex*, to the west end of the said street, next the pavement in *Goswell-Street*.
- Cap. 88.** For repairing the road leading from *Oundle* in the county of *Northampton*, to *Alconbury cum Weston* in the county of *Huntingdon*, from *Barnwell* in the said county of *Northampton*, to *Alconbury cum Weston* aforesaid, and from the *Mile Brook* in *Hamerton*, to *Wood Lane End*, next the parish of *Great Gidding* in the said county of *Huntingdon*.
- Cap. 89.** For explaining, amending, and making more effectual, two acts of parliament, the one passed in the twentieth year of his present Majesty's reign, intituled, *An act for repairing the high road leading from the town of Stockton upon Tees in the county of Durham, to Darlington, and from thence through Winstone, to Bernard Castle in the said county*; and the other passed in the twenty second year of his said Majesty's reign, intituled, *An act for enlarging the term and powers granted by the said first mentioned act, and for the effectual amending of the said road*.
- Cap. 90.** For repairing several roads leading into the city of *Glasgow*.
- Cap. 91.** For repairing the road from *North Queen's Ferry*, through the towns of *Inverkeithing* and *Kinross*, to the town of *Perth*; and also the road from the said *Queen's Ferry*, to the towns of *Dumfermline*, *Torryburn* and *Culross*; and also the road from the said *Queen's Ferry*, through *Inverkeithing*, to *Bruntisland* and *Kirkaldie*.
- Cap. 92.** For repairing, amending, and widening the several roads leading from the *Red Post* in the parish of *Fivehead*, through the towns of *Langport* and *Somerton*, to *Butwell*; and also from *Curry Rivel* to *Puckington Lane*, and from *Cary Bridge* to *Street Cross* in the county of *Somerset*.
- Cap. 93.** For repairing and widening the several roads in the county of *Peebles*, leading from *Tweed Cross* towards the city of *Edinburgh*, by *Blyth Bridge*, *La Mancha* and *Wheam*, and by *Linton* and *Carlops*, and from *Ingleston* through *Carlops*, until all the said roads join the limits of the county of *Edinburgh*.
- Cap. 94.** To enable the owners of houses and lands in the parish of *Saint Botolph* without *Aldergate*, and the inhabitants thereof, to repair the church and steeple belonging to the said parish.
- Cap. 95.** To explain and amend an act passed in the twentieth year of his present Majesty's reign, intituled, *An act for repairing the road leading from Catherick Bridge in the county of York, to Yarm in the said county; and from thence to Stockton in the county of Durham; and from thence through Sedgefield in the said county of Durham, to the city of Durham*.
- Cap. 96.** For laying a duty of two pennes Scots, or one sixth part of a penny sterling, on every Scots pint of ale and beer which shall be brewed for sale, brought into, tapped

## A TABLE of the STATUTES.

- 1. Tapped or sold within the town of *Paisley*, and liberties thereof in the county of *Renfrew*, for improving the navigation of the river *Cart*, and for other purposes.
  - 2. An act for enabling *Abraham Cartleton* esquire, now called *Abraham Cumberbatch*, and his issue male, to take and use the surname of *Cumberbatch*.
  - 3. An act for naturalizing *Daniel oumeester*, *James Rilliet*, *Anthony Bertrand*, *Frederick Teise*, *Fr. Thos. Brouzet* and *George Grand*.
  - 4. An act for naturalizing *John Henry Schoen*, *Peter Rodolph*, *George Alexander Fatio*, *William Du Bois*, *William Konink* and *Henry Klausing*.
  - 5. An act to naturalize *John Henry Schoen*, *Peter Rodolph*, *George Alexander Fatio*, *William Du Bois*, *William Konink* and *Henry Klausing*.
  - 6. An act for naturalizing *Jacob Vaulk*.
  - 7. An act for naturalizing *Beat Rodolph Viator Nerbel*.
  - 8. An act for making the exemplification of the last will of *Henry late earl of Shelburne* in the kingdom of *Ireland*, deceased, evidence in all courts of law and equity in *Great Britain and Ireland*.
  - 9. An act for settling a yearly rent on the rector of *Pusey* in the county of *Berks*, and his successors, in lieu of his tythes, and part of his glebe, and vesting the said tythes and glebe in *John Allen Pusey* esquire, and his heirs.
  - 10. An act for sale of divers lands and hereditaments in the county of *Gloucester*, devised by the will of *Alice Gilbert*, spinster, for raising money to discharge several debts and legacies, and for laying out the surplus in the purchase of lands, to be settled to the uses of her will.
  - 11. An act for sale of an undivided share of tythes in the isle of *Wight*, settled on *John Foyle Small*, *Mary Small* his wife, and *John Small* their son, an infant, and for laying out the money arising by such sale, in the purchase of an estate in the county of *Gloucester*, to be settled to the same uses.
  - 12. An act to enable *Theodore William Inge* esquire, to make building leases of part of his settled estate, situate in or near *Birmingham* in the county of *Warwick*.
  - 13. An act for confirming and establishing
- Private Acts.*
- Anno 26 Georgii II.*
- 1. An act for naturalizing *Frederic Hoffguard*.
  - 2. An act to enable *John Peploe Birch*, an infant, heretofore called *John Peploe*, to take and use the surname of *Peploe Birch* only, pursuant to the will of *Samuel Birch* esquire, deceased.

## A TABLE of the STATUTES.

- lishing articles of agreement for inclosing and dividing *Cawswick*, alias *Watles Moor* in the county of *York*.
14. An act for dividing, inclosing, and reducing into severalty, the lands in the common fields, common grounds, pasture or feeding grounds, and all other the lands lying open in the parish of *Quenington* in the county of *Gloucester*.
15. An act for dividing and inclosing the common, open, and arable fields, meadows, and waste grounds in the hamlet of *Hinton* in the parish of *Woodford cum Membris* in the county of *Northampton*.
16. An act to naturalize *John James Schweighouser*, *David Girard*, *Christian Van Hobendorff*, *John Lewis André* and *Andrew Sellon*.
17. An act for naturalizing of *John David Barbutt* and *Fortunatus Planta*.
18. An act to naturalize *Mary Sybella Harrison*.
19. An act for vesting the undivided twelfth part of *Ann Fekyll*, an infant, in the real estate of Sir *Joseph Fekyll* knight, deceased, in trustees, to enable them to convey the same to the purchasers thereof, under a decree of the court of Chancery.
20. An act for vesting one undivided fourth part of *Elizabeth Knight*, of and in divers manors, lands and hereditaments in the county of *York*, late the estate of *Robert Plompson* esquire, deceased, in trustees, in trust to sell the same for the purposes therein mentioned.
21. An act for vesting the estate of *Edmund Morgan Pleydell* esquire, in trustees; to settle the same, pursuant to an agreement made previous to the marriage of *Edmund Moreton Pleydell* the younger, esquire, with *Ann* his wife, and for other purposes therein mentioned.
22. An act to enable *Evelyn Chadwick* esquire, and his wife, and their issue, to make building leases of part of his settled estate in the parishes of *Saint James*, *Westminster*, and *Saint Martin in the fields*.
23. An act for establishing and rendering effectual certain articles for the sale of the manor, or reputed manor, and divers lands, tenements and hereditaments, at *Kexby* in the county of *York*, late the estate of *Charles Headlam* esquire, deceased, and for vesting the undivided third part or share of *Ann Headlam* spinster, an infant, of and in the said manor and premises, in trustees, in trust, to convey the same pursuant to the said articles, and for other purposes therein mentioned.
24. An act for confirming an agreement between *George Pitt* esquire, and the rector of the church of *Stratfieldsea* in the county of *Southampton*, for exchange of lands in the said parish, and to enable *George Pitt* to take down the present, and erect a new parish church there; and for making roads to the said church.
25. An act for confirming and establishing an exchange agreed upon between the prebendary of the prebend of *Stillington*, and *Stephen Croft* esquire, of certain lands and hereditaments in the county of *York*.
26. An act to dissolve the marriage of *John Ennever* gentleman, with *Mary Cornwell* his now wife, and to enable him to marry again, and for other purposes therein mentioned.
27. An act for exchanging, dividing, inclosing, and reducing into severalty, the lands, common grounds, pastures, feeding grounds, and other the lands and grounds lying and being in the manor and parish of *Easlech-martin*, otherwise *Batherup* in the county of *Gloucester*; and for making a recompence in compensation to the rector in lieu of his tythes and glebe lands.

28. And

## A TABLE of the STATUTES.

28. An act for confirming and establishing an agreement for inclosing and dividing certain common and waste grounds in the manor of *Loathley* in the county of *York*.
29. An act for inclosing and dividing certain wastes and commons in the manor of *Hexham* in the county of *Northumberland*.
30. An act for enabling *John Latchmore*, and his issue, to take and use the surname of *Frye*.
31. An act for naturalizing *Christian Maurice Rodatz*.
32. An act for sale of an estate at *Bretherton* in the county of *Lancaster*, pursuant to the will of *John late earl of ABBURNHAM* deceased, and for the purposes therein mentioned.
33. An act for confirming and establishing a partition of several manors, lands and hereditaments in the county of *York*, belonging to *Sir Cyril WICH baronet*, *Elizabeth Wilson* and *Mary Turton* respectively, and a settlement made thereof, for the benefit of the several parties entitled to the several undivided shares thereof before such partition.
34. An act to empower the guardians of *Frances Fitz Roy Scudmore*, an infant, to make building leases of her estate in *Southwark* in the county of *Surry*.
35. An act for sale of the undivided moieties of divers manors, lands and hereditaments in the county of *Suffolk*, the settled estate of *Matthew Manning*, doctor in physick, for raising money to discharge a mortgage debt affecting the same, and for laying out the surplus thereof in the purchase of other lands and hereditaments, to be settled to the uses therein mentioned.
36. An act for vesting the parts or shares late belonging to *Benjamin Brain*, merchant, deceased, of and in one twenty-fourth part of the eastern division of the province of *New Jersey* in *America*, in trustees, to be sold for the purposes therein mentioned.
37. An act for vesting the advowson of *Long Ditton* in the county of *Surrey*, in trustees, to be sold, and for laying out the money arising by such sale, in the purchase of lands, to be settled to the same uses, and for other purposes therein mentioned.
38. An act for vesting the estate late of *William Rawstorn* esquire, at *Bosfeldon* in the county of *Berks*, in trustees, to sell the same, and to lay out the money arising by such sale, in the purchase of another estate, to be settled to the uses of his will.
39. An act to enable *John Craigie* of *Dumbarnie* esquire, to sell lands in the county of *Perth*, and lay out the money arising thereby in the purchase of lands contiguous to other lands of the said *John Craigie* in the county of *Fife*, and for other purposes therein mentioned.
40. An act to empower *William Hunt Grubbe* esquire, to make leases of certain estates in the county of *Wiltshire*, and for vesting the monies arising by fines to be received for such leases, in trustees, for the purposes therein mentioned.
41. An act for vesting certain lands and hereditaments, part of the settled estate of *Valentine Knightley* esquire, in the county of *Northampton*, in the said *Valentine Knightley*, and his heirs, and for settling other estates in the same county, of greater value, in lieu thereof.
42. An act for confirming the will of *Littleton Pointz Meynell* esquire, deceased, and for making provision for *Godfrey Meynell* esquire, his eldest son and heir, and *Judith Meynell* his daughter; and for enabling *Hugo Meynell* esquire, his second son and devisee, to make a jointure

## A TABLE of the STATUTES.

- jointure during his minority, and for settling the estates of the said *Littleton Pointz Meynell* to the uses therein mentioned.
43. An act for raising money by sale of the estates late of *Hugh Fowler of Robestone*, in the county of *Pembroke*, esquire, deceased, to discharge the debts and incumbrances affecting the same, and for making a partition of such estates, or so much thereof as shall not be sold, for the purposes aforesaid.
44. An act to dissolve the marriage of *Samuel Low*, esquire, with *Elizabeth Rogers* his now wife, and to enable him to marry again, and for other purposes therein mentioned.
45. An act to enable the commissioners for executing the office of treasurer of his Majesty's exchequer, or the lord high treasurer for the time being, to compound with *John Philipot* and *John Hutchinson*, and their sureties, a debt due to the crown for customs for tobacco.
46. An act for dividing and inclosing the common called *Felton Common*, in the parish of *Felton*, in the county of *Northumberland*.
47. An act for dividing and inclosing the common fields, common pastures, common meadows, common grounds, and waste ground, in the manor and parish of *Hilmorton*, in the county of *Warwick*.
- 
- Anno 27 Georgii II.*
- Cap. 1. To repeal an act of the twenty-sixth year of his Majesty's reign, intituled, *An act to permit persons professing the Jewish religion to be naturalized by parliament; and for other purposes therein mentioned.*
- Cap. 2. For continuing and granting to his Majesty certain duties upon malt, mum, cyder and perry, for the service of the year one thousand seven hundred and fifty four,
- Cap. 3. For the better securing constables, and others, the expenses of conveying offenders to gaol; and for allowing the charges of poor persons bound to give evidence against felons.
- Cap. 4. For granting an aid to his Majesty by a land tax, to be raised in *Great Britain*, for the service of the year one thousand seven hundred and fifty four.
- Cap. 5. For punishing mutiny and desertion; and for the better payment of the army and their quarters.
- Cap. 6. To repeal a proviso in an act made in the twentieth year of his present Majesty's reign, intituled, *An act for the better adjusting and more easy recovery of the wages of certain servants, and for the better regulation of such servants, and of certain apprentices*, which provides that the said act shall not extend to the stannaries in *Devon* and *Cornwall*.
- Cap. 7. For the more effectual preventing of frauds and abuses committed by persons employed in the manufacture of clocks and watches.
- Cap. 8. For improving and enlarging the harbour of *Leith*, and to empower the trustees therein mentioned to purchase lands for that purpose; and for erecting docks and other conveniences on the sides thereof.
- Cap. 9. For punishing mutiny and desertion of officers and soldiers in the service of the united company of merchants of *England* trading to the *East Indies*; and for the punishment of offences committed in the *East Indies*, or at the island of *Saint Helena*.
- Cap. 10. For granting to his Majesty a certain sum of money therein mentioned, out of the sinking fund; and applying certain surplus monies remaining in the exchequer, for the service of the year one thousand and five hundred and forty four.

## A TABLE of the STATUTES.

Land seven hundred and fifty four; and for the further disposition of the said sinking fund, by paying thereout the remainder of the sum advanced on the credit of the duty on sweets, and the interest thereof; and for carrying the said duty to the said fund; and for the further appropriating the supplies granted in this session of parliament.

Cap. 11. To continue the duties for encouragement of the coinage of money; and for removing doubts concerning the continuance of the duty of twenty shillings for every ton of brandy wines, and strong waters imported.

Cap. 12. For improving and preserving the navigation from Salter's *Loud Sluice* in the county of Norfolk, to *Standground Sluice* in the county of Huntingdon; and from *Flood's Ferry* in the Isle of Ely in the county of Cambridge, to *Ramsey High Load* in the laid county of Huntingdon, and also the navigation from *Old Bedford Sluice* in the said county of Norfolk, to the river Nene, in the parish of Ramsey, in the said county of Huntingdon.

Cap. 13. To indemnify persons who have omitted to qualify themselves for offices and promotions within the time limited by law; and for allowing further time for that purpose.

Cap. 14. To continue several laws relating to the distemper now raving among the horned cattle in this kingdom.

Cap. 15. To explain and amend an act made in the ninth year of the reign of his late majesty King George the First, intituled, *An act for the more effectual punishing wicked and disorderly persons going armed and disguised, and doing injuries and violences to the persons and properties of his Majesty's subjects; and for the speedy bringing the offenders to justice.*

Cap. 16. For making perpetual seve-

ral laws for punishment of persons destroying turnpikes, locks, or other works erected by authority of parliament; and that all acts made for erecting courts of conscience, shall be deemed publick acts; and to empower a certain number of the trustees of the *British Museum* to do certain acts; and for confirming the table of fees to be taken by the clerks to the justices of the peace for the county of Middlesex; and for giving further time for the payment of duties omitted to be paid for the indentures or contracts of clerks and apprentices; and for filing affidavits of the execution of contracts of clerks to attorneys and solicitors; and for preventing persons driving certain carriages from riding upon such carriages.

Cap. 17. For vesting in the crown the power of appointing the marshal of the *Marshalsea* of the court of King's Bench; and for the better regulation of that office, and of the inferior offices thereto belonging; and for rebuilding the *King's Bench* prison.

Cap. 18. To continue several laws for prohibiting the importation of books reprinted abroad, and first composed or written, and printed in Great Britain; for the free importation of cochineal or indigo, and relating to rice, frauds in the customs, the clandestine running of goods, and to copper ore; and for the better encouragement of the making of sail cloth in Great Britain; and to authorize the payment of the bounty to Alexander Brown and others, upon a ship fitted out for the whale fishery, and lost in the Greenland seas; and for the more effectual payment of the bounties upon British-made sail cloth to Robert Donald and others.

Cap. 19. For discharging the corporation of the governor, bailiffs and commonalty, of the company of con-

## A TABLE of the STATUTES.

conservators of the great level of the fens, commonly called *Bedford Level*, from a debt due to the duke of *Bedford*, and earl of *Lincoln*; and for enabling the proprietors of lands in the *North Level*, part of the said great level, to raise money to discharge the proportion of the said *North Level*, in the debts of the said corporation; and for ascertaining and appropriating the taxes to be laid on the said *North Level*; and for the more effectual draining and preserving the said *North Level*, and divers lands adjoining thereto in the manor of *Crowland*.

Cap. 20. For the more easy and effectual proceeding upon distresses to be made by warrants of justices of the peace.

Cap. 21. To continue and render more effectual an act passed in the thirteenth year of the reign of his present Majesty, for repairing the road between *Hockcliffe* in the county of *Bedford*, and *Stony Stratford* in the county of *Buckingham*.

Cap. 22. For enlarging the term and powers granted by an act of parliament passed in the eleventh year of the reign of his present Majesty, for repairing the road leading from the *Trent Bridge*, in the county of the town of *Nottingham*, through *Cosstock*, otherwise *Cortlingstock Lane*, to the bridges commonly known by the name of *Cotes Bridges*, in the county of *Leicester*; and for making the said act more effectual.

Cap. 23. For repairing and widening the road from the city of *Peterborough*, through *Oundle* and *Thrapston*, to *Wellingborough* in the county of *Northampton*.

Cap. 24. For amending, widening and keeping in repair, the road leading from *Union Point*, near the town of *Uckfield* in the county of *Sussex*, to *Langney Bridge* in the parish of *Westham* in the said county.

Cap. 25. For the better enlightening and cleansing the open places, squares, streets, lanes, alleys, passages, and courts, within the parish of *Saint Luke* in the county of *Middlesex*; and regulating the nightly watch and bedels; and for repairing the highways within the said parish.

Cap. 26. For enlarging the term and powers granted by an act made in the ninth year of his present Majesty's reign, intituled, *An act for repairing and widening the road leading from Saint Dunstan's Crofs, near the city of Canterbury, to the water-side at Whitstable in the county of Kent*.

Cap. 27. To explain, amend, and render more effectual an act passed in the twenty sixth year of the reign of his present, intituled, *An act for repairing several roads leading into the city of Glasgow*.

Cap. 28. For explaining, amending, and rendering more effectual, an act made in the twenty fifth year of his present Majesty's reign, *For repairing and widening the road leading from Market Harborough in the county of Leicester, through Desborough, Rowell, Kettering, Barton Seagrave, and Thrapston, in the county of Northampton; and through Bythorne, Spaldwick, and Ellington, to the Pound in the parish of Brampton, in the county of Huntingdon*.

Cap. 29. For enlarging the term and powers granted by an act passed in the twenty first year of the reign of his present Majesty, for repairing the high road from *Piercebridge* to *Kirkmerrington*, in the county of *Durham*, and from thence to the turnpike road at *Table Lane End* in the said county; and for making the same more effectual.

Cap. 30. For repairing and widening the road from the borough of *Leicester*, to and by the north side of the

## A TABLE of the STATUTES.

The town of *Uppingham* in the county of *Rutland*; and to *Wansford* in the county of *Northampton*; and from thence to *Peterborough* in the said county of *Northampton*.

Cap. 31. For repairing and widening the road leading from the toll-gate in the parish of *Kettering*, through the town of *Wellingborough*, in the county of *Northampton*, and through *Olney* over *Sherrington Bridge*, to *Newport Pagnell*, in the county of *Bucks*; and for repairing and widening, or rebuilding the said *Sherrington Bridge*.

Cap. 32. For repairing and widening the road from a certain intrenchment on *Asker'swell-hill*, opposite to *Chilcombe Farm*, through the town of *Bridport* to *Penn Inn*; and from *Bridport* aforesaid to the town of *Beaminster*, in the county of *Dorset*; and also the road from *Penn Inn* aforesaid, through the town of *Axminster*, to the workhouse at the east end of the town of *Honiton* in the county of *Devon*.

Cap. 33. For repairing and widening the high road from *Westwood-gate*, in the parish of *Knottting*, in the county of *Bedford*, through the towns of *Rushdon* and *Higham Ferrers*, and over *Artleborough-bridge*, to the turnpike road in *Barton-Seagrave-Lane*, in the parish of *Barton-Seagrave*, in the county of *Northampton*.

Cap. 34. For repairing and widening the high road from a place called *Saint Loyd*, in the town of *Bedford*, through the parishes of *Bromham*, *Stagden*, *Aftwood*, *Harkmead* and *Chichley*, to the way post in *Sherrington Field*, where the said road joins the high road from the town of *Chichley* to the town of *Newport Pagnell*; and also the high road from *Bromham* aforesaid, through the parishes of *Turvey* and *Colebrayfield*, to the town of *Lavenden*, otherwise *Lavender*, in the counties of

*Bedford* and *Buckingham*; and for applying part of the money arising thereby towards repairing, rebuilding or widening, *Sherrington Bridge* in the road from the said way post, to the said town of *Newport Pagnell*.

Cap. 35. For laying a duty of two pennies Scots, or one sixth part of a penny sterling, upon every *Scots* pint of ale and beer brewed for sale, vended or sold within the town and *Barony of Alloa*, in the county of *Cochrannan*; and also a duty of anchorage for ships and vessels anchoring in the harbour of the said town, for repairing the pier of the said harbour.

Cap. 36. For repairing and widening the roads from the borough of *Stratford upon Avon*, in the county of *Warwick*, through *Alester* in the said county, and *Feckenham*, to a place called *Bradley Brook*, in the county of *Worcester*; and from *Alester* through *Great Coughton* and *Crabs Crofs*, in the said county of *Warwick*; and through *Hewell Lane* and *Burcott*, to the *Crofs* of hands on a common called the *Lecknoy*; and out of *Hewell Lane* through *Church Lane* and *Tutnell* to *Bromsgrove*, in the said county of *Worcester*.

Cap. 37. For enlarging the term and powers granted by an act made in the eighth year of the reign of his present Majesty, for repairing and widening the road from the town of *Rosedale* in the county palatine of *Lancaster*, leading over a certain craggy mountain called *Blackstone Edge* in the same county; and from thence to the towns of *Halifax* and *Ealand* in the county of *York*.

Cap. 38. For the better relief and employment of the poor in the parish of *Saint Nicholas Deptford* in the county of *Kent*, and in the parish of *St. Paul, Deptford*, in the counties

## A TABLE of the STATUTES.

- of *Kent* and *Surrey*; and for repairing the highways, and paving and cleansing the streets, in the said parishes.
- Cap. 39.** For repairing and widening the road from the north end of *Bridgesford Lane* in the county of *Nottingham*, to and through several towns and places in the counties of *Nottingham*, *Leicester*, *Rutland*, and through *Rockingham*, to the *Bowling Green* at *Kettering* in the county of *Northampton*.
- Cap. 40.** For opening, making, widening, and keeping in repair, a road from *Radcliff Highway*, through *Cannons Street* in the county of *Middlesex*, into the road leading into the county of *Essex*; and also from the west end of *Brook Street* into *Cable Street*, and from *Upper Shadwell street* into the back lane in the said county of *Middlesex*.
- Cap. 41.** For amending and widening several roads, leading from the borough of *Truro* in the county of *Cornwall*.
- Cap. 42.** For repairing and widening the road from *Leicester* to *Narborough*, and from *Leicester* to *Coventry*, and from thence through *Kenilworth* to *Warwick*, and from thence to *Halford Bridge*, and from *Warwick* to *Stratford upon Avon*, and from *Coventry* to *Martyn's Gutter*, leading towards *Stoneleigh Town*; and for supplying an omission in an act passed in the last session of parliament for repairing the road from *Leicester* to *Ashby de la Zouch* in the county of *Leicester*.
- Private Acts.*
- Anno 27 Georgii II.*
1. An act to enable *John Grainger* esquire, and his heirs to take and use the surname of *Leman*, and to bear the arms of Sir *William Leman* deceased.
  2. An act for naturalizing *John Isaac Bazin*, *Lewis Ogier*, *Peter Gunnard*, and others.
  3. An act for naturalizing *Frederick Von Gebren*.
  4. An act for naturalizing *Casper Grevenkop*.
  5. An act for confirming and establishing an exchange ~~act~~ between the vicar of *Gilling*, and *James Shuttleworth* esquire, of certain lands and hereditaments in the county of *York*, and for other purposes therein mentioned.
  6. An act for vesting the estate of *William Kemp* esquire, deceased, in trustees, to be sold pursuant to articles, and for applying the purchase-money for the benefit of the children of the said *William Kemp*, in such manner as is directed by the said articles.
  7. An act to empower the committee of the estate of *Elizabeth Kitchen* widow, a lunatick, one of the sisters and coheirs of Sir *Samuel Newman* baronet, deceased, to make leases of her estate during her lunacy.
  8. An act for dividing and inclosing part of a certain waste or common, called *Symondburn Common* in the manor and parish of *Symonburn*, in the county of *Northumberland*.
  9. An act for dividing and inclosing the common fields, common pastures, common meadows, common pieces, common grounds, and waste ground, in the manor and parish of *Welton*, in the county of *Northampton*.
  10. An act for dividing and inclosing *Great Shildon Comm*, or *Shildon Moor*, within the manor and barony of *Byewell*, in the county of *Northumberland*.
  11. An act for establishing and rendering effectual certain articles of agreement for inclosing and dividing the common fields and common grounds in the manor and parish of *Normanton*, in the county of *Lincoln*.
  12. An act to enable the commissioners

## A TABLE of the STATUTES.

- oners for executing the office of treasurer of his Majesty's exchequer, or the lord high treasurer for the time being, to compound with *Thomas Squire, Robert Lucas, and Richard Hobfay*, a debt due to the crown from *Philip Chapman*, for which they are sureties.
3. An act to enable *John Lade*, heretofore called *John Inskip*, and the heirs male of his body, to take and use the surname of *Lade* only, pursuant to the will of Sir *John Lade*, baronet, deceased.
4. An act for naturalizing *Daniel Mourgue*, merchant, and *Amy Rillet*.
5. An act for naturalizing *John Ulric Commerill*.
6. An act for naturalizing *Paul Bonifas*.
7. An act to enable *William lord Cavendish of Hardwyck*, to take in *England* the oath of office of high treasurer of *Ireland*, and to qualify himself here in *England* for the legal enjoyment of the said office.
8. An act for sale of a capital messuage in *Lincoln's Inn Fields*, in the parish of *Saint Giles in the Fields*, in the county of *Middlesex*, and the garden ground and out-houses thereunto belonging (part of the estate of the most noble *Charles late duke of Somerset*, deceased) and vesting the same in *Edmund Browne of Lincoln's Inn esquire*, and his heirs for ever, and for laying out the purchase-money in lands and hereditaments to be settled to the like uses, and upon the like trusts, as the said capital messuage and premises are now settled, and subject unto.
9. An act for vesting the manor of *Hendon*, settled on the marriage of the earl and countess of *Powis*, in them and their issue, in trustees, to be sold towards discharging the debts and incumbrances of *William V.*
- late marquis of *Powis*; and for settling the barony and lordship of *Powis*, in the county of *Montgomery*, in lieu thereof; and for other purposes therein mentioned.
20. An act for rectifying a mistake in a conveyance in fee-farm, made by *Henry Arthur earl of Powis*, of the manor of *Mount Eagle Loyal*, and divers towns, lands and hereditaments, in the county of *Kerry*, and making the same conveyance effectual for the purposes therein mentioned.
21. An act for vesting divers lands and hereditaments in the county of *Somerset*, contracted to be sold by *Hugh late earl of Clinton*, in his life-time, in trustees, to enable them to convey the same to the several purchasers thereof, pursuant to their contracts.
22. An act for empowering trustees to cut down and sell timber standing and growing upon the estate of inheritance of *Thomas James, lord Bulkely, viscount Castle*, in the kingdom of *Ireland*, an infant, in order to raise money for discharging incumbrances affecting the said estate, and for other purpothes therein mentioned.
23. An act to enable *Charles Fitzroy Scudmore esquire*, to take in *Great Britain* the oath of office as curfitor, or clerk, or ingrosser of original writs issuing out of his Majesty's high court of *Chancery* in the kingdom of *Ireland*, and to qualify himself for the enjoyment of the said office.
24. An act for vesting the estate of *George Pitt esquire* in the county of *Suffolk*, and part of his estate in the Isle of *Purbeck*, in the county of *Dorset*, in trustees, to sell the same, and to apply the purchase-money for discharging incumbrances affecting his settled estate, and for making recompence to him for the charges and expences of making

## A TABLE of the STATUTES.

- making buildings and improvements upon the same estate.
25. An act for vesting the undivided sixth part of *Robert Colbroke* esquire, of and in the manor of *Goldstone*, and divers lands in the parish of *Ash* in the county of Kent, in trustees, and their heirs, to enable them to make such conveyances thereof, as shall be necessary for effecting a partition agreed upon between the said *Robert Colbroke*, and the owners of the other undivided parts of the same manor and premises.
26. An act for empowering *Ann Speke* an infant, to make leases and copyhold grants of her estates in the county of *Somerset*, during her minority, and for other purposes therein mentioned.
27. An act for sale of the settled estates of *Sir Theophilus Badulph* baronet, in the county of *Stafford*, and city and county of the city of *Lichfield*, for raising money to discharge incumbrances affecting the same, and for laying out the surplus in the purchase of other lands, to be settled to the uses therein mentioned.
28. An act for vesting certain estates of *Sir Isaac Lawrence Woollaston* baronet, an infant, situate in the isle of *Ely*, and counties of *Cambridge*, *Huntingdon*, *Lincoln*, and *Norfolk*, in trustees, to be sold or mortgaged, to raise money for the payment of his sisters portions, and for other purposes therein mentioned.
29. An act for vesting the estates of *John Powel Pryce* esquire in the county of *Montgomery*, comprised in his marriage articles, in trustees, to raise money by sale of part thereof, for discharging incumbrances affecting the same, and for settling other part thereof pursuant to the said articles.
30. An act for vesting a lease granted by the dean and chapter of *Canterbury*, to *Ann Tenison* widow, deceased, of the manor of *Elagton*, with the appurtenances, in the county of *Kent*, in *Peter Saint Blot*; and *Samuel Smith*, in trust for *Anna Tenison*, an infant, and his heirs, and for other purposes therein mentioned.
31. An act for sale of part of the settled estates of *Robert Barber* esquire, for discharging debts and incumbrances, and for empowering him to sell and exchange other parts of the settled estates for the purchasing and acquiring other lands of equal or greater value, to be settled in lieu thereof.
32. An act for exempting and exonerating the estates devised by the will of *William Huddleston* esquire, deceased, to be sold, from the jointure on *Gertrude Rigby*, wife of *Twynly Rigby* esquire, and for charging an annuity or rent-charge of equal value on the estates entailed by the said will, and more effectually to enable the trustees of the said *William Huddleston* to execute the trusts reposed in them by the said will.
33. An act for establishing and rendering effectual several settlements and agreements made and entered into by *Hugh Barker* the younger, esquire, deceased, for making a provision for his mother and wife, and their children respectively.
34. An act for vesting part of the estate of *Charles Drury* esquire, in the kingdom of *Ireland*, in trustees to be sold for the payment of incumbrances affecting the same, prior to his marriage settlement.
35. An act to dissolve the marriage of *Charles Wymondesld Esq; with Henrietta Knight* his now wife, and to enable him to marry again, and for other purposes therein mentioned.
36. An act to dissolve the marriage of *Peter Henley* esquire, with *Suzannah Roberts*.

## A TABLE of the STATUTES.

- his now wife, and to enable him to marry again, and for other purposes therein mentioned.
37. An act to dissolve the marriage of *John Shuckell* with *Catherine Perrin* his now wife, and to enable him to marry again, and for other purposes therein mentioned.
38. An act for naturalizing *Mary Noguer* widow, and for qualifying and enabling her, out of the estate devised by the will of *John Noguer* her husband, to make a provision for *Anthony Noguer* her only son and heir.
39. An act for naturalizing *Charles Schreiber* and *Jean Francois Maximilien de Cerjat*.

---

*Anno 28 Georgii II.*

- Cap. 1. For the relief of the out-pensioners of the royal hospital at *Chester*.
- Cap. 2. For continuing and granting to his Majesty certain duties upon malt, must, cyder and perry, for the service of the year one thousand seven hundred and fifty five.
- Cap. 3. To indemnify members of cities, corporations, and borough towns, who have neglected to take the oaths of office, and to stamp their admissions; and for allowing them further time for those purposes.
- Cap. 4. For punishing mutiny and desertion; and for the better payment of the army and their quarters.
- Cap. 5. For granting an aid to his Majesty by a land tax, to be raised in *Great Britain*, for the service of the year one thousand seven hundred and fifty five; and for the relief of the inhabitants of certain places in the county of *Lincoln*, in respect of arrears of the land tax.
- Cap. 6. For taking away mercanaries in the archdeaconry of *Chester*, and giving a recompence therefore to

the bishop of *Chester* as archdeacon of *Chester*, who holds and enjoys the said archdeaconry by right of his see.

Cap. 7. Concerning the offices of sheriff depute and steward depute, in that part of *Great Britain* called *Scotland*.

Cap. 8. For making navigable the river or brook called *Sainty Brook*, and the three several branches thereof, from the river *Mersey* below *Sainty Bridges*, up to *Bardman's Stone* bridge on the south branch, to *Gerard's* bridge on the middle branch thereof, and to *Penny Bridge* on the north branch thereof, all in the county palatine of *Lancaster*; and also for adjusting the measure of coal, to be brought down the said river or brook, and sold within the town of *Liverpool*, in the said county.

Cap. 9. To prevent the holding of any market for the future in the high street of the borough of *Southwark* in the county of *Surrey*.

Cap. 10. For allowing further time for enrolment of deeds and wills made by papists; and for relief of protestant purchasers.

Cap. 11. For the regulation of his Majesty's marine forces while on shore.

Cap. 12. To explain and amend a clause in an act made in the fifth year of the reign of Queen *Anne*, intituled, *An act for the better preservation of the game*, in relation to the selling or offering to sale any game.

Cap. 13. For relief of insolvent debtors.

Cap. 14. For further explaining, amending, and rendering more effectual, an act made in the twenty third year of the reign of his present Majesty, intituled, *An act for the encouragement of the British trades having hitherto*; and for giving further encouragement for the carrying

## A TABLE of the STATUTES.

ing on the said fishery; and for other purposes therein mentioned.

Cap. 15. For granting to his Majesty the sum of one million, to be raised by a lottery.

Cap. 16. For the better supply of mariners and seamen to serve in his Majesty's ships of war, and on board merchant ships, and other trading ships and vessels.

Cap. 17. To amend an act made in the twenty sixth year of the reign of his present Majesty, intituled, *An act for the amendment and preservation of the publick highways and turnpike roads of this kingdom; and for the more effectual execution of the laws relating thereto.*

Cap. 18. To continue several laws relating to the distemper now raring among the horned cattle in this kingdom.

Cap. 19. For making perpetual an act passed in the twenty fifth year of the reign of his present Majesty, for the better preventing thefts and robberies, and for regulating places of publick entertainment, and punishing persons keeping disorderly houses; for the further punishing persons selling ale or other liquors without licence; for the preventing the burning or destroying of goss, furze, or fern, in forests or chaces; for giving further time for the payment of duties omitted to be paid for the indentures or contracts of clerks and apprentices, and for the filing of affidavits of the execution of contracts of clerks to attorneys and solicitors.

Cap. 20. For continuing, explaining, and amending, the several acts of parliament made for the further encouragement of the whale fishery carried on by his Majesty's subjects; and to authorize the payment of the bounty to Thomas Hood and others, upon three ships fitted out for the said fishery, and lost in the Greenland Seas.

Cap. 21. For making more several the laws prohibiting the importation of spirituous liquors in casks or vessels not containing fifty gallons, and of tea above the quantity of six pounds, found on board any British ship or vessel, not belonging to, or employed by, the East India company.

Cap. 22. For granting to His Majesty a certain sum of money therein mentioned, out of the sinking fund; and applying certain monies remaining in the exchequer, for the service of the year one thousand seven hundred and fifty five; and for carrying the surplus of certain duties to the sinking fund; and for the further appropriating the supplies granted in this session of parliament.

Cap. 23. To enable the churchwardens, overseers, and inhabitants of the parish of Saint Saviour, in the borough of Southwark, in the county of Surry, to hold a market within the said parish, not interfering with the high street in the said borough.

Cap. 24. To indemnify persons who have omitted to qualify themselves for offices and promotions within the time limited by law; and for allowing further time for that purpose.

Cap. 25. For continuing an act, intituled, *An act for encouraging the making of Indigo in the British plantations in America.*

Cap. 26. For repairing, and widening the road from the high bridge in the town of Ramsey in the county of Huntingdon, through King's Rippon, to the west end of Saint Peter's Lane in the parish of Saint John, within the borough of Huntingdon.

Cap. 27. For explaining, amending, and making more effectual several acts of parliament, relating to the maintenance and employment of the poor of the town of Kingston upon

## A TABLE of the STATUTES.

- upon Hull; and for better paving, narrowing and cleansing the streets, squares, lanes and alleys in the said town, and preventing obstructions therein; and for preserving the lamps which shall be set up to enlighten the streets of the said town, and securing the property of such lamps to the owners.
- Cap. 28. For repairing and widening the road from Sutton in the county of Surry, through the borough of Reigate, by Sidlow Mill, to Povey Cross, and from Sutton aforesaid, through Cheam, and over Howell Hill to Ewell; and also the road from Tadworth, by the Wind-Mill, to the bottom of Pebble Hill in the said county.
- Cap. 29. For continuing and rendering more effectual an act passed in the ninth year of the reign of his present Majesty, intituled, *An act for continuing the duty of two pennies Scots, or one sixth of a penny sterling, on every pint of ale and beer, that shall be vended or sold within the city of Glasgow, and for extending the same over the villages of Gorbels and Port Glasgow, and privileges thereof, for the benefit of the said city and villages.*
- Cap. 30. To continue and render more effectual two acts of parliament passed in the sixth and twelfth years of the reign of his late majesty King George, for repairing the roads from Stevenage in the county of Hertford, to Biggleswade in the county of Bedford; and for repairing the roads from the north end of the said roads to the toll-gate at the north end of the said town of Biggleswade.
- Cap. 31. For repairing and widening the several roads therein mentioned, leading to, through, and from the town of Monmouth.
- Cap. 32. For establishing, maintaining, and well governing a nightly watch within the city of Bristol.
- Cap. 33. For repairing the road from the north end of Brown's Lane in Great Stoughton in the county of Huntington, through Kimbolton and Higham Ferrers, to the way post near Wellingborough Bridge in the county of Northampton, and from the pound in Kimbolton, to the way post in Great Catworth Field, near Brigton Bridge in the said county of Huntingdon.
- Cap. 34. For erecting and building a new chapel in the town of Wolverhampton in the county of Stafford.
- Cap. 35. For repairing the road from a certain place in Bury in the county of Huntingdon, through Warboys, Old Hurst, Saint Ives, Hilton, Eltisley, Wareley, Gamlingay and Potton, to a house called the Spread Eagle in Stratton, within the several counties of Huntingdon, Cambridge and Bedford.
- Cap. 36. To continue and render more effectual several acts for repairing the road from Stump Cross to Newmarket Heath, and the town of Cambridge; for repairing the road from Foulmire to Cambridge; and for repairing other ruinous parts of the highways adjacent to the road from Foulmire to Cambridge.
- Cap. 37. For the better enlightening and cleansing the open places, squares, streets, lanes, alleys, passages and courts within the parish of Saint Bartholomew the Great, London; and regulating the nightly watch and beadle within the said parish.
- Cap. 38. For the better relief and employment of the poor of the borough of Dunheved, otherwise Launceston, and parish of Saint Mary Magdalene in the county of Cornwall.
- Cap. 39. For enlarging the term and powers granted by an act of the twenty fourth year of his present Majesty's reign, intituled, *An act for*

## A TABLE of the STATUTES.

- for repairing the high roads in the county of Edinburgh, to and from the city of Edinburgh, and from Cramond-Bridge to the town of Queen's Ferry in the county of Linlithgow; and for making the said act more effectual.
- Cap. 40. For repairing and widening the road from the town of Market Harborough in the county of Leicestershire, through the town of Lutterworth in the said county, to the city of Coventry.
- Cap. 41. For enlightening the streets and lanes, and regulating the pavements, in the town of Leeds in the county of York.
- Cap. 42. For enlarging the term and powers granted by an act passed in the ninth year of the reign of his present Majesty, for repairing the roads leading from Henley Bridge in the county of Oxford, to Dorchester Bridge, and from thence to Culham Bridge, and to a place called Mile-stone, in the road leading to Magdalen Bridge in the said county, and for widening the said roads; and also for repairing and widening the roads leading from the end of Culham Bridge next to Culham in the county of Oxford, to the end of Burford Bridge next to Abingdon in the county of Berks, and from the Mayor's Stone at the end of the Boar Street in the town of Abingdon aforesaid, to Shipton in the said county of Berks, and from thence to the west end of the town of Fyfield in the same county.
- Cap. 43. For establishing and maintaining a ferry across the river Thames, between the hamlet of Ratcliff in the county of Middlesex, and the parish of Rotherhithe in the county of Surry.
- Cap. 44. For repairing and widening the road from Basingstoke, through Wootton, Overton, Wimborne, Hursley, Priors, Andover and Middle Wallop in the county of Southampton, to a place called Lobcom Corner in the parish of Winterbourne in the county of Wilts.
- Cap. 45. For widening and repairing the road leading from Haslemere in the county of Sussex, through Capell, Dorking, Mickleham and Leatherhead, to the watch-house in Ewhurst in the county of Surrey; and from Capell, to Stone Street in the parish of Ockley in the said county of Surrey.
- Cap. 46. For repairing and widening the roads leading from the Cross of Hand, near Finford Bridge in the county of Warwick, through the town of Southam in the same county, to the borough of Banbury in the county of Oxford, and from the Guide Post in the village of Adderbury in the same county, through Kidlington, to the Mile way leading towards the city of Oxford; and also the road leading from a place called the Two Mile Tree near the city of Oxford, over Gosford, otherwise Goffard Bridge, to a certain gate entering upon Weston on the Green in the said county.
- Cap. 47. For repairing and widening the road from The Hand and Post at the top of Burford Lane in the county of Gloucester, to Stow on the Wold, and from thence to Halford Bridge in the county of Warwick; and also the road from The Cross Hands on Salford Hill, to The Hand and Post in the parish of Dowdeswell in the county of Gloucester.
- Cap. 48. For repairing and widening the roads therein mentioned, lying within the borough of Droitwich in the county of Worcester, or leading from the said borough, to the several places therein mentioned in the said county.
- Cap. 49. For repairing and widening the road from Chudleigh Bridge in the parish of Hennock in the county of Devon, through the town and borough of Abbotsbury, to Brant Bridge.

## A TABLE of the STATUTES.

- Bridge in the parish of South Brent  
in the said county.*
- Cap. 50. For amending and widening the roads from the west end of *Tower Lane*, near *Bradford*, through *Haworth* in the county of *York*, to a place called *Blae Bell*, near *Colne* in the county of *Lancaster*, and from a place called the *Two Laws*, to *Kighley* in the said county of *York*.
- Cap. 51. For repairing and widening the road from *Thirsk*, over *Shipton Bridge*, through *Baldersby*, to *Baldersby Gate*, adjoining to *Hutton Moor* in the way to *Ripon*, and through *Ainderby Quernhow* and *Nostferfield*, by *Well-flashes Gate*, to *Masham* in the county of *York*; and likewise for removing the toll-house and turnpike-gates at *Busby Stubb* in the said county, to some other convenient place in the road leading from *Borough Bridge* to the city of *Durham*.
- Cap. 52. For amending, altering, continuing, and making more effectual two acts of parliament made in the second and seventeenth years of his present Majesty's reign, for repairing the roads from *Colehill* in the county of *Warwick*, through the city of *Lichfield*, to *Stone* in the county of *Stafford*, and from thence to the city of *Chester*, and several other roads in the said acts mentioned; and for enlarging the termi and powers in the said several acts.
- Cap. 53. For repairing and widening the road from *Rochdale* to *Burnley* in the county of *Lancaster*.
- Cap. 54. To enable the reverend *William Markham* doctor of laws, and *Thomas Salter* esquire, to build houses, and open a square in and upon a certain piece of ground called *Dean's Yard Westminster*, and several pieces of ground contiguous thereto.
- Cap. 55. For building a bridge over the water or haven between, the town of *Sandwich*, and the opposite shore in the county of *Kent*.
- Cap. 56. To enable the parishioners of the parish of the *Holy Trinity* in *Guldeford* in the county of *Surry*, to sell divers houses, lands, rents and annuities in the said parish, and in *Stoke next Guldeford* aforesaid; and to apply the money arising by sale thereof, towards rebuilding their parish church, and for other purposes therein mentioned.
- Cap. 57. For amending, widening, and keeping in repair, the roads from *Epsom*, through *Ewell*, to *Tooting*, and from *Ewell*, to *Kingston upon Thames*, and *Thames Ditton* in the county of *Surry*.
- Cap. 58. For repairing and widening the roads from the town of *Manchester*, by a place called the *White Smithy* in the township of *Crumpsall*, to the town of *Rockdale*, and from the said place called the *White Smithy*, by a place called *Besses of the Barn*, to the town of *Bury*, and from the said place called *Besses of the Barn*, to *Radcliffe Bridge* in the county palatine of *Lancaster*.
- Cap. 59. For repairing, widening, and amending the road from *Cocking End*, near *Addingham* in the west riding of the county of *York*, through *Kildwick*, to *Black Lane End* in the county palatine of *Lancaster*.
- Cap. 60. For repairing and widening the roads from the town of *Leeds* in the west riding of the county of *York*, through *Oitley*, *Skipton*, *Colne*, *Burnley* and *Blackburn*, to *Bursteough Bridge* in *Walton* in the county of *Lancaster*, and from *Skipton*, thro' *Gisburn* and *Clitheroe*, to *Preston* in the said county of *Lancaster*.

### Private ACTS.

*Anno 27 & 28 Georgii II. Jeff. I.*

An act for naturalizing *Peter Michael Morin*

## A TABLE of the STATUTES.

24. An act for dividing and inclosing the common fields, common pastures, common meadows, common grounds, and waste ground in the manor and parish of Church-  
ever in the county of Warwick.
25. An act for dividing and inclosing several open fields and pastures or commons in the township of Slingby in the county of York.
26. An act to confirm and establish an agreement for dividing and inclosing several fields, meadows, and a cow-pasture in Knighton in the county of Leicester.
27. An act for dividing and inclosing several open fields and pastures or commons in the township of Nunburnholme in the county of York.
28. An act for dividing and inclosing the common fields, common pastures, common meadows, common grounds, and waste grounds in the manor and parish of Norton by Daventry in the county of Northampton.
29. An act for dividing and inclosing certain wastes and commons in the manor of Calverly in the west riding of the county of York.
30. An act for the inclosing, dividing, and exchanging the common fields, common meadows, and other grounds in the townships of Marsk and Redcarr, within the manor of Marsk in Cleveland in the north riding of the county of York; and for providing a certain recompence to the vicar of Marsk, in lieu of his tithes, and the greatest part of his glebe.
31. An act to enable John Freston esquire, and the heirs of his body, to take and use the surname and arms of Scrivener.
32. An act to enable Samuel Blackwell, heretofore called Samuel Kellican, and his heirs, to take and use the surname of Blackwell only, pursuant to the will of Jonathan Blackwell deceased, and to bear the like arms which were borne by the said Jonathan Blackwell.
33. An act to enable Alexander Ready esquire, and his issue by Sophia his wife (late Sophia Edwards) to take and use the surname of Colston, pursuant to the will of Edward Colston esquire, deceased, and to bear the like arms which were borne by the said Edward Colston.
34. An act to enable Theodore Henry Brinkman esquire, to take and use the surname of Broadhead, pursuant to the will of Henry Broadhead esquire, deceased.
35. An act to enable Wenman Coke, heretofore called Wenman Roberts esquire, and his issue male, to take the surname of Coke only, pursuant to the direction of the will of Sir Edward Coke baronet, deceased; and that the said Wenman Coke, and his issue male, may bear the arms of the said Sir Edward Coke.
36. An act to enable William Lowndes Stone esquire, lately called William Lowndes the younger, esquire, and Catharine his wife, and others therein named, to take and use the surname, and bear the arms of Stone, pursuant to the will of Francis Lowe esquire, deceased.
37. An act to enable Christopher Soulby esquire, now called Christopher Reed, and his heirs, to take and use the surname and arms of Reed.
38. An act to enable the honourable Harbottle Grimston esquire, and the heirs of his body, to take and use the surname of Luckyn, pursuant to the wills of Sir Harbottle Luckyn baronet, and Edward Luckyn esq; deceased.
39. An act for naturalizing Otto Ewald Setler, Albert Mahlstedt and John Conrad Heinzemann.
40. An act for naturalizing Frederick Nussen.
41. An act to enable his Majesty to grant

## A TABLE of the STATUTES.

- grant the reversion of divers lands and hereditaments in the county of ~~York~~, in trust for *Richard Crowle* esquire, in exchange for houses and lands near his Majesty's palace of *Windsor*, and for other consideration to be paid for the same.
42. An act for establishing an exchange of divers lands and tythes in *Myton* in the county of *York*, for other lands and hereditaments in the said county, pursuant to an agreement between the lord archbishop of *York*, as appropriator; the bishop of *Norwich*, lessee of the rectory; and *Henry Herd* clerk, vicar of the parish church; and Sir *Bryan Staplyton*, lord of the manor of *Myton* aforesaid.
43. An act for confirming and establishing an exchange of divers lands in *Little Leake* in the county of *Nottingham*, pursuant to an agreement between *Francis lord Middleton*, and *Robert Bird*, esquire, and for other purposes therein mentioned.
44. An act for vesting the settled estate of *Sir John Dutton Colt* baronet, in trustees, to be sold for discharging several incumbrances affecting the same; and for laying out the surplus of the money arising by such sale, in the purchase of other lands, to be settled to the same uses.
45. An act to empower *Edward Walter* esquire, and divers other persons claiming under the wills of his grandfather and brother respectively, to make leases of the several lands and hereditaments purchased, and to be purchased, since the will of *Peter Walter* the grandfather, and in pursuance of the same.
46. An act for vesting the settled estate of *Edmund Branston* esquire, and *Henrietta Maria* his wife, in trustees, for raising several £s of money for discharging portions charged upon the same, and for other purposes therein mentioned.
47. An act for vesting the manor of *North-Weston*, and divers lands and hereditaments in the county of *Oxford*, the estate of *Francis Clarke* esquire, in trustees, in trust, to sell the same, to raise money for payment of debts and incumbrances affecting the same, and for other purposes therein mentioned.
48. An act for charging the settled and unsettled estates of *Gilbert Caldecot* esquire, with raising money to pay his debts and incumbrances; and for limiting his unsettled estate so charged to the uses of his marriage settlement.
49. An act for dissolving the marriage of *Richard Morgan* esquire, with *Anne Hall* his now wife, and to enable him to marry again, and for other purposes therein mentioned.
50. An act for confirming and establishing an agreement for inclosing *Ofmotherly* moor, or common, in the county of *York*, and for rendering the said agreement more effectual for the purposes thereby intended.
51. An act for dividing and inclosing *Breaslon* cow pasture in the county of *Derby*.
52. An act for dividing and inclosing the open and common fields, within the manor and parish of *Hawling* in the county of *Gloucester*.
53. An act for naturalizing *Peter John Fremeaux*, *Adriana Constantia Fremeaux*, *Elizabeth Fremeaux*, *Maria Catharina Fremeaux*, and *Gertruda Johanna Fremeaux*, who are all infants under the age of eighteen years.
54. An act for naturalizing *Jacob Kirkman*.
55. An act for naturalizing *John Ulric Paffavant*.

## A TABLE of the STATUTES.

to his Majesty certain duties upon malt, mum, cyder and perry, for the service of the year one thousand seven hundred and fifty six.

**Cap. 2.** For granting an aid to his Majesty by a land tax, to be raised in *Great Britain*, for the service of the year one thousand seven hundred and fifty six; and for the relief of the inhabitants of the city and county of the city of *Lincoln*, in respect of arrears of the land tax.

**Cap. 3.** For punishing mutiny and desertion; and for the better payment of the army and their quarters.

**Cap. 4.** For the speedy and effectual recruiting of his Majesty's land forces and marines.

**Cap. 5.** To enable his Majesty to grant commissions to a certain number of foreign protestants who have served abroad as officers, or engineers, to act and rank as officers, or engineers, in *America* only, under certain restrictions and qualifications.

**Cap. 6.** For the regulation of his Majesty's marine forces while on shore.

**Cap. 7.** For granting to his Majesty the sum of two millions, to be raised by way of annuities and a lottery, and charged on the sinking fund, redeemable by parliament; and for extending to *Ireland* the laws made in this kingdom, against private and unlawful lotteries.

**Cap. 8.** To repeal a clause in an act made in the twenty sixth year of his present Majesty, intituled, *An act to oblige ships more effectually to perform their quarantine; and for the better preventing the plague being brought from foreign parts into Great Britain or Ireland, or the isles of Guernsey, Jersey, Alderney, Sark, or Man*, whereby the stationing of ships infected with the plague, to

the northward of *Cape Finisterre*, is confined to the harbour of *New Grimsby*, and removable to another place; and for appointing a more safe and commodious place instead thereof.

**Cap. 9.** For establishing a fund for payment of the bonds of the governor, bailiffs and commonalty, of the company of conservators of the great level of the fens, called *Bedford Level*; and for exchanging the present bonds of the said corporation for other bonds, payable out of the revenues of the middle and south levels, part of the said great level; and for enabling the said corporation to borrow further sums, for the use of the said great level.

**Cap. 10.** For the better ascertaining, recovering, and collecting, certain duties payable upon the importation and exportation of goods and merchandizes into or out of the harbour of the town and county of *Poole*; and also of ballast and boomage duties, payable in respect of ships and vessels coming into and going out of the said harbour; and for the enlarging, better repairing, and keeping in repair, the said harbour, and the quays and wharfs; and for providing a proper place for keeping gunpowder in or near the said town; and for establishing and regulating a nightly watch, and enlightening the streets in the said town.

**Cap. 11.** For the better supply of mariners and seamen to serve in his Majesty's ships of war, and on board merchant ships, and other trading ships and vessels.

**Cap. 12.** For granting to his Majesty a duty upon licences for retailing beer, ale, and other exciseable liquors; and for establishing a method for granting such licences in *Scotland*; and for allowing such licences to be granted at a petty session

## A TABLE of the STATUTES.

- sign in *England*, in a certain case therein mentioned.
- Cap. 13. For granting to his Majesty an additional duty on cards and dice.
- Cap. 14. For granting to his Majesty several rates and duties payable by all persons, and bodies politick or corporate, having certain quantities of silver plate.
- Cap. 15. For granting a bounty upon certain species of *British* and *Irish* linens exported; and taking off the duties on the importation of foreign raw linen yarns made of flax.
- Cap. 16. To empower his Majesty to prohibit the exportation of salt petre; and to enforce the law for empowering his Majesty to prohibit the exportation of gunpowder, or any sort of arms and ammunition; and also to empower his Majesty to restrain the carrying coastwise of salt petre, gunpowder, or any sort of arms or ammunition.
- Cap. 17. To prevent his Majesty's subjects from serving as officers under the *French* King; and for the better enforcing an act passed in the ninth year of his present Majesty's reign, to prevent the infusing his Majesty's subjects to serve as soldiers without his Majesty's licence; and for obliging such of his Majesty's subjects as shall accept commissions in the *Scotch Brigade*, in the service of the states general of the united provinces, to take the oaths of allegiance and abjuration.
- Cap. 18. To obviate a doubt arisen on an act made in the last session of parliament, intituled, *An act for relief of insolvent debtors*; and for relief of sheriffs and keepers of prisons, in respect to escapes, of such persons as were prevented by the said doubt from being discharged under the said act.
- Cap. 19. To empower judges of courts of record in cities and towns corporate, liberties and franchises to set fines on persons who shall be summoned to serve upon juries in such courts, and shall neglect to attend.
- Cap. 20. For erecting, maintaining, and supporting a light-house on the island of *Little Cumbay*, in the county of *Bute*, at the mouth of the river *Clyde*, in *North Britain*; and for rendering the navigation in the frith and river of *Clyde* more safe and commodious.
- Cap. 21. For imbanking and preserving certain fen lands and low grounds, called *The Washes*, lying and being in the several parishes of *Sutton*, *Mepal*, *Witcham*, *Ely*, *Witchford*, *Wentworth*, *Coveney*, and *Downham*, in the *Isle of Ely*, and county of *Cambridge*; and of *Bluntingham* with *Erith* in the county of *Huntingdon*.
- Cap. 22. For draining and preserving certain fen lands in the *Isle of Ely*, and county of *Norfolk*, lying between the *Hundred Foot River* and the *Ouse*, and bounded on the south by the hard lands of *Mepall*, *Witcham*, *Wentworth*, *Walsford*, *Ely*, *Downham*, and *Littonport*; and for empowering the governor, bailiffs, and commonalty of the company of conservators of the great level of the fens, commonly called *Bedford Level*, to sell certain lands lying within the limits aforesaid, commonly called *Invealed Lands*.
- Cap. 23. For encouraging the fisheries in that part of *Great Britain* called *Scotland*.
- Cap. 24. For granting to his Majesty certain sums of money out of the sinking fund; and applying certain sum of money remaining in the exchequer, for the service of the year one thousand seven hundred and fifty six.
- Cap. 25. For appointing a sufficient number of constables for the service of the city and liberty of *London*.

## A TABLE of the STATUTES.

- minster ; and to compel proper persons to take upon them the office of jurymen, to present nuisances, and other offences, within the said city and liberty.
- Cap. 26. For further continuing an act of the sixth year of the reign of his present Majesty, for securing and encouraging the trade of his Majesty's sugar colonies in America, to indemnify commissioners of the land tax for counties at large and ridings, who have acted by virtue of leasehold estates ; and to obviate a doubt relating to the qualification of commissioners of the land tax, for the city and liberty of Westminster.
- Cap. 27. For extending the act of the twenty second year of his present Majesty, (for amending, explaining, and reducing into one act of parliament, the laws relating to the government of his Majesty's ships, vessels, and forces by sea) to such officers, seamen, and others, as shall serve on board his Majesty's ships or vessels employed upon the lakes, great waters, or rivers in North America.
- Cap. 28. For reviving and continuing an act for the relief of debtors, with respect to the imprisonment of their persons ; and for continuing an act made in the last session of parliament, to continue several laws relating to the distemper now raging among the horned cattle in this kingdom.
- Cap. 29. For enabling his Majesty to raise one million for the purpose therein mentioned ; and for further appropriating the supplies granted in this session of parliament.
- Cap. 30. For more effectually discouraging and preventing the stealing, and the buying and receiving of stolen lead, iron, copper, brass, bell-metal, and solder, and for more effectually bringing the offenders to justice.
- Cap. 31. To enable infants, lunatics, and feme covert, to surrender leases in order to renew the same.
- Cap. 32. To indemnify persons who have omitted to qualify themselves according to the directions of several acts of parliament within the times limited by such acts respectively, and for allowing further time for that purpose ; and concerning the admissions of officers and members of cities, corporations, and borough towns ; and the filing of affidavits of articles of clerkship.
- Cap. 33. To render more effectual an act passed in the twelfth year of the reign of his late majesty King George, to prevent unlawful combinations of workmen employed in the woollen manufactures and for better payment of their wages ; and also an act passed in the thirteenth year of the reign of his said late Majesty, for the better regulation of the woollen manufacture ; and for preventing disputes among the persons concerned therein ; and for limiting a time for prosecuting for the forfeiture appointed by the aforesaid act, in case of the payment of the workmens wages, in any other manner than in money.
- Cap. 34. For the encouragement of seamen, and the more speedy and effectual manning his Majesty's navy.
- Cap. 35. For the better recruiting his Majesty's forces on the continent of America ; and for the better regulation of the army, and preventing of desertion there.
- Cap. 36. For inclosing, by the mutual consent of the ~~wards~~ ~~inhabitants~~, part of any common, for the purpose of planting and preserving trees fit for timber or underwood ; and for more effectually preventing the unlawful destruction of trees.
- Cap. 37. For regulating the proceedings in personal actions in the course-

## A TABLE of the STATUTES.

- courts baron of the manors of *Sheffield* and *Ecclefall*, in the county of *York*.
- Cap. 38. To enable the commissioners for building a bridge cross the river of *Thames*, from the city of *Westminster*, to the opposite shore in the county of *Surry*, to purchase houses and grounds, and to widen the way; and make more safe and commodious the streets, avenues, and passages, leading from *Charing Cross*, to *The two houses of parliament*, *Westminster Hall*, and the courts of justice there, and *Westminster Bridge*; and to enable a less number of commissioners to execute the several acts relating to the said bridge, than at present are required by law; and for relief of *George* and *James King*, with regard to a lease taken by their late father from the said commissioners.
- Cap. 39. For explaining, amending, and rendering more effectual, an act made in the twenty second year of his present Majesty's reign, intituled, *An act for making a free market for the sale of fish in the city of Westminster; and for preventing the foretelling and monopolizing of fish; and for allowing the sale of fish, under the dimensions mentioned in a clause contained in an act of the first year of his late Majesty's reign, in case the same are taken with a hook.*
- Cap. 40. To improve, widen, and enlarge the passage over and thro' *London Bridge*.
- Cap. 41. For explaining and amending two acts of parliament, one made in the eleventh year of his Majesty's reign, (*For repairing the road from Shoreditch Church, thro' Hackney, to Stanford Hill, and across Cambridge Heath, over Bethnal Green, to the turnpike at Mile End in the county of Middlesex*), and the other made in the twenty sixth year of his Majesty's reign, (*For enlarging the term and powers granted by the said former act*) and for empowering the trustees to erect and maintain lamps, and keep a guard, upon the said roads in the night-time.
- Cap. 42. For enlarging the coemetry or church-yard of the parish of *Saint Mary Newington Butts* in the county of *Surry*.
- Cap. 43. For making and widening a road from the east side of the parish of *Saint Matthew Bethnal Green* in the county of *Middlesex*, to the east end of *Church Street* in the said parish; and to open a way or road into *Shoreditch*, and keeping the same in repair.
- Cap. 44. To enable the trustees for repairing *Old Street* road, to repair, widen, and make a road from the sign of the *The Red Lion* on *Windmill Hill*, through *Worship Street*, to the *Ditch Side* next the east side of *Holy Well Mount*, and through a certain ground to the sign of *The London Apprentice*, in the parishes of *Saint Luke* and *Saint Leonard Shoreditch*, in the county of *Middlesex*; or to lay open, repair, and widen a road from the said *Red Lion*, through the *Dog Ear*, into the *Old Street* road in the said county.
- Cap. 45. For repairing and widening the roads leading from a pond belonging to *Henry Eyre esquire*, in the parish of *Whiteparish* in the county of *Wiltshire*, to the top of *Dunwood Hill*; and from thence over *Great Bridge* and *Middle Bridge*, through *Ramsay-infra*, to *Hundred Bridge* in the county of *Southampton*; and from thence to the county of the town of *Southampton*.
- Cap. 46. For repairing and widening the high roads from *Bifingshake*, through *Popham Lane*, *Sutton-Sexton*, and *Stockbridge*, in the county of *Southampton*, to a place called *Lobemb Corner* in the county of *Wiltshire*; and also for repairing and widening

## A TABLE of the STATUTES.

- widening the road from *Spittle-house*, over *Wey-hill*, to *Mullen's Pond* in the said county of *Southampton*.
- Cap. 47. To explain, amend, and render more effectual, an act made in the last session of parliament, intituled, *An act for establishing, maintaining, and well governing a nightly watch within the city of Bristol*.
- Cap. 48. For rebuilding the common gaol for the county of *Derby*, upon a place called *Nun's Green*, in the liberty of the town of *Derby*, and for appointing a proper place for the safe custody of prisoners, until such new gaol shall be compleated; and to impower the justices of the peace for the said county to pay the rent reserved to the corporation for the said ground, out of the county rates.
- Cap. 49. For repairing and widening the road from the eighteen mile stone beyond *Willoughby Hedge*, through the town of *Mere* in the county of *Wiltshire*, and through *Wincanton*, to *Charlton Hethorn*, and from thence to *Milborne Port*; and from *Willoughby Hedge* aforesaid, to the west end of *Long Lane* in *Kilmington*; and from *Wincanton* aforesaid, to the *Sherborn turnpike cross-gate*, on *Cattle Hill*; and from *Wincanton*, to *Sparkford*, in the county of *Somerset*.
- Cap. 50. For repairing and widening several roads leading from and near the town of *Brewton* in the county of *Somerset*.
- Cap. 51. For repairing and widening the several roads, from the town of *Tewkesbury* to *Cofcorub Gate*; and from *Isabel's Elm* to the top of *Gotherington Hill*, in the county of *Gloucester*; and from *Tewkesbury* to a farm-house, called *The Old Blue Bell*, and to the direction post in the parish of *Ripple*, and to *Simond's Ford Brook*, and from *Bredon* to *Eckinton Bridge*, in the country of *Worcester*; and from *Tewkesbury* to *Wainload's Bridge*, and to the road opposite to *Elstone* church, and from the market-house in *Cheltenham*, to the turnpike road from *Burford* to *Gloucester*, near a tree called *Pewson Ash*, in the said county of *Gloucester*.
- Cap. 52. For repairing and widening the several roads leading from a gate called *Poole Gate*, in the town and county of *Poole*.
- Cap. 53. For the better regulating the nightly watch and bedles, and cleansing, enlightening, and paving the streets, squares, lanes, and other passages, and repairing the highways and causeways, and regulating the poor within the parish of *Saint Mary le Bone*, in the county of *Middlesex*.
- Cap. 54. For repairing and widening the road from the top of *Harnham Hill*, near the city of *New Sarum*, in the county of *Wiltshire*, through the towns of *Blandford Forum* and *Dorchester*, to a certain intrenchment on *Akerwell Hill*, in the county of *Dorset*.
- Cap. 55. To amend and render more effectual an act passed in the twenty sixth year of the reign of his present Majesty, for amending several roads leading from the city of *Exeter*.
- Cap. 56. For amending and keeping in repair the roads leading from *Mead Brook*, which divides the parishes of *Pucklechurch* and *Mangotsfield* in the county of *Gloucester*, to *Christian Malford Village* in the county of *Wiltshire*, and also from *Pucklechurch* aforesaid to certain coal mines in the said *Wiltshire*.
- Cap. 57. For enlarging the term and powers granted by an act passed in the twenty second year of his present Majesty, for repairing, enlarging, and preserving the harbour of *Ellenfeast*, in the county of *Cumberland*.

## A TABLE of the STATUTES.

- Cap. 58.** For repairing and widening the roads leading from the city of Gloucester towards Cheltenham and Tewkesbury, in the county of Gloucester.
- Cap. 59.** For amending, widening, and keeping in repair, several roads leading from the Market House, and elsewhere, in the town of Ludlow, in the county of Salop.
- Cap. 60.** For amending, widening, and keeping in repair, several roads leading from the Market House in the town of Much Wenlock, in the county of Salop.
- Cap. 61.** For repairing and widening the roads from Coleham Bridge in Shrewsbury, to the Market Place in Church Stretton, and to the top of Lythwood Hill, and from Pulley Common, to the May Pole in Condover; and from Coleham Bridge, to Longdon in the county of Salop.
- Cap. 62.** To enable the dean and chapter of the collegiate church of Saint Peter at Westminster, and their successors, to make and grant unto James Mallors a lease or leases of certain pieces of ground, messuages, tenements and hereditaments, comprised within certain limits, for a longer term of years than they are at present enabled to grant.
- Cap. 63.** To empower the churchwardens, overseers of the poor, and vestry of the parish of Kensington, in the county of Middlesex, to make a rate or rates for the relief of the poor, and the better repairing of the highways, and cleansing the streets within the said parish.
- Cap. 64.** For repairing and widening the road from the town of Shrewsbury, via Weston Brockhurst, to Shrewsbury, and to Sbrey-hill, in the county of Salop.
- Cap. 65.** For repairing and widening the roads leading from the town of Kington, in the county of Hereford, through the Welsh Hall Lane, as far as the same county extends,
- and the several roads leading from Kington aforesaid, to Brill's Mountain, to Eardisley, to Almely, to Eekley's Green, to Eardisland, to Stable Bar, and to Milton House, in the said county of Hereford.
- Cap. 66.** For explaining, amending, and rendering more effectual, an act passed in the twenty seventh year of his present Majesty, for repairing and widening the road from Leicester to Narborough, and from Leicester to Coventry, and from thence through Kenilworth to Warwick, and from thence to Halford Bridge, and from Warwick to Stratford upon Avon; and from Coventry to Martyn's Gutte, leading towards Stoneleigh Town; and for supplying an omission in an act passed in the last session of parliament, for repairing the road from Leicester, to Abby de la Zouch, in the county of Leicester, so far as the same relates to that part of the said road which leads from the town of Hinckley, in the county of Leicester, to the town of Nuneaton; and from thence through the parishes of Chilvers Coton and Retwirth, to Bishop's Gate in the city of Coventry.
- Cap. 67.** For enlarging the terms and powers granted by several acts of parliament for repairing the highways between Sheppard's Sbord and the Devizes, and from Stert Stone in the parish of Ulshot, to Rowd Ford in the county of Wilts; and for changing and altering part of the said highways; and for repairing the road from the top of Red Hone to Stert Stone aforesaid.
- Cap. 68.** For amending, widening, and keeping in repair, the several roads from the town of Pool in the county of Montgomery, to Wrexham in the county of Denbigh; and also the road from Knockin in the county of Salop, to Llanrhaiader in Mochnant, in the county of Denbigh.

Cap.

## A TABLE of the STATUTES.

and inhabitants of houses in York Buildings, in the parish of Saint Martin in the Fields, in the county of Middlesex, to make and levy a rate on themselves, sufficient to answer the expence of rebuilding or repairing of the terrace walk and water-gate, and such other part of the premisses adjoining to the river Thames, and belonging to the said buildings, as shall be judged necessary, and for keeping the same in repair for the future.

**Cap. 91.** For explaining and making more effectual an act passed in the twenty fourth year of the reign of his present Majesty, for repairing the road leading from the east end of Brumpton High Lane in the county of York, to the town of Richmond, and from thence to and through the towns of Askrigg and Ingleton in the said county, to the town of Lancaster in the county of Lancaster; and also for repairing the road leading from Richmond aforesaid, through Gilling, Meltonby, and Aldbrough, to Lucy, otherwise Lousy Cross, and from Gilling through Gilling Town Lane, to the turnpike road on Gatherly Moor.

**Cap. 92.** For explaining, amending, and making more effectual, an act of parliament made in the twenty sixth year of the reign of his present Majesty, intituled, *An act for repairing and widening the road from the top of White Sheet Hill, in the parish of Donhead Saint Andrew, in the county of Wilts, through the towns of Shaftesbury, Milborne Port, and Sherborne in the counties of Dorset and Somerset, to the Half-way House in the parish of Nether, otherwise Lower Compton, in the said county of Dorset, and several other roads near the towns of Shaftesbury and Sherborne aforesaid; and for repairing other roads adjoining to the roads in the said former act mentioned.*

**Cap. 93.** To enlarge the term and powers of an act for repairing the road from Shrewsbury to Wrexham, in the county of Denbigh, and to repair and widen several other roads therein mentioned, and the road from Wrexham to Chester, and from thence to Pen Fordd y Waen, in the parish of Whitford, and also the road from Broughton to Mold, in the county of Flint.

**Cap. 94.** For amending, repairing, and widening the roads leading from the Rye-way, in the parish of Yarpole, in the county of Hereford, to Presteigne in the county of Radnor, and from thence to Leintwardine, and from Presteigne aforesaid, to the top of Trap Hill, and from the Rye-way aforesaid, by the Maidenhead, to Wooferton in the county of Salop.

### Private Acts.

*Anno 29 Georgii II.*

1. An act for naturalizing John David Fatio.
2. An act for naturalizing Jens Pedersen.
3. An act for the sale of several lands in Bedf~~ad~~d Level, the estate of the right honourable Henry earl of Lincoln, knight of the most noble order of the garter, and Katherine countess of Lincoln his wife, and for purchasing other lands and hereditaments of as great or greater value; and settling the said lands so to be purchased, to the same uses as the said lands to be sold are now settled, and for other purposes therein mentioned.
4. An act for explaining and amending an act made in the twenty seventh year of his present Majesty's reign, intituled, *An act for vesting certain estates of Sir Isaac Lawrence Woollaston baronet, an infant, situate in the isle of Ely, and counties of Cambridge, Huntingdon, Lincoln, and Norfolk, in trustees,*

## A TABLE of the STATUTES.

- to be sold or mortgaged to raise money for payment of his sisters portions, and for other purposes therein mentioned.*
5. An act for empowering *Esther Hanmer*, an infant, to settle her estates, pursuant to articles entered into in consideration of a marriage agreed upon between *Asheton Curzon* esquire, and the said *Esther Hanmer*.
  6. An act for vesting divers lands and hereditaments in the counties of Bucks and Berks, late the estate of *Thomas Walker* clerk, deceased, in *Thomas Walker* the grandson, in fee simple, subject to the raising portions for his younger brother and sisters.
  7. An act for dividing and inclosing a certain open and common field, called *Radway Field*, within the township of *Radway*, in the county of *Warwick*.
  8. An act for dividing and inclosing certain wastes or common grounds in the parish of *Brancepeth*, in the county of *Durham*.
  9. An act for dividing and inclosing the common fields, common pastures, common meadows, common grounds, and waste grounds, in the several parishes of *Boughton* and *Pisford*, in the county of *Northampton*.
  10. An act for dividing and inclosing several fields, meadows and commons, in the township of *Sutton upon the Forest*, in the county of *York*, and for giving compensations, in lieu of tythes, to the impropriator of the rectory, and the vicar of *Sutton* aforesaid.
  11. An act to enable *Robert Mynors* esquire, and his first and other sons, and their heirs male, to take and use the surname of *Gouge*, in pursuance of the will of *Nicholas Gouge*, deceased.
  12. An act to enable *William Wiggett* esquire, now called *William Bul-*
  - wer*, and his heirs, to take and use the surname and arms of *Bulwer*, pursuant to the will of *William Bulwer* esquire deceased.
  13. An act for naturalizing *Anthony Henry Stemann*, *Peter Otte*, *Godfrey Molting*, and *Christian Meyer*, *Henry Bielfeld*, *John Peter Blaquier*, and *Mathew Lichigary*.
  14. An act for naturalizing *Jost David Esternd*.
  15. An act for providing a maintenance for the marquis of *Blansford*, during the life of his father the duke of *Marlborough*, and for rebuilding the said duke's house at *Langley* in the county of *Bucks*; and for purchasing in, and making void, divers leases, granted by the said duke in trust for his younger children, and for other purposes therein mentioned.
  16. An act to enable *John earl of Sandwich*, *George earl of Cholmondeley*, and *Wellbore Ellis* esquire, to take, in *Great Britain*, the oath as vice treasurer and receiver general, and paymaster general of all his Majesty's revenues in the kingdom of *Ireland*, and to qualify themselves for the enjoyment of the said offices.
  17. An act for making the exemplification of the last will of the right honourable *Richard late earl of Burlington and Cork*, deceased, evidence in all courts of law and equity in *Great Britain* and *Ireland*.
  18. An act for vesting the capital messuage of *Halsled*, and divers lands in *Kent*, part of the settled estate of *Vere lord Vere*, in trustees, to be conveyed to *Robert Bagshaw*, esquire, the purchaser thereof, pursuant to articles, and for settling another estate in the county of *Middlesex*, of greater value, in lieu thereof.
  19. An act for raising money out of the estates of *Ralph Lane* esquire, deceased, in the counties of *Northampton*,

## A TABLE of the STATUTES.

- Shampton and Cambridge, for discharging the incumbrance affecting the same; and for applying part of the personal estate of Elizabeth Lane, his wife, deceased, in the purchase of the Cambridgeshire estate, to be settled pursuant to her will.
20. An act for vesting certain adjudications now vested in the crown by the conviction or attainder of Alexander Mackenzie of Fraserdale, in Hugh M<sup>c</sup>Leod of Genies esq<sup>r</sup>e.
21. An act for vesting part of the settled estate of Thomas Pugson gentleman, and Honour his wife, in trustees, to be sold for raising portions for younger children, and for laying out the surplus, if any, in the purchase of other lands, to be settled to the uses of their marriage settlement.
22. An act for vesting in trustees, certain messuages, lands, tenements, and farms, in the county of Surry, settled upon the marriage of Richard Dickson Skrine esquire, with Elizabeth his now wife, to be sold and conveyed pursuant to articles, and for laying out the purchase money in other lands and tenements, to be settled to the uses of their marriage settlement.
23. An act to enable Theodore Henry Broadhead, an infant, to make leafes of the estates given and devised to him by the will of his uncle Henry Broadhead esquire, deceased.
24. An act for vesting the estate of Trevor Charles Roper, and Henry Roper, who are both infants, in the county of Kent, in trustees, to be sold; and for applying the purchase money for discharging incumbrances affecting the same, under the directions of the court of Chancery.
25. An act for selling the settled estate of Thomas Follott Baugl esquire, in the county of Hereford, and for settling another estate of greater value, to the uses of his grandfather's will, and his own marriage settlement, respectively.
26. An act for enabling the master and fellows of Katherine Hall, in the university of Cambridge, to purchase, settle, and dispose of tenements and grounds for the making and erecting an additional building to their college or hall, for the reception and maintenance of six fellows and ten scholars, founded by the will of Mary Ramsden, deceased; and for empowering any corporation within the said university, to sell and convey other lands and tenements, for that and other purposes in the said act mentioned.
27. An act for enabling Ann Coryton, Elizabeth Goodall, and William Goodall, to make leafes of several estates in the counties of Cornwall and Devon, during the minorities of John Coryton and others, the infant children of Peter Coryton esquire, deceased.
28. An act for vesting part of the estate of John Talbot the younger, esquire, settled upon his marriage, in trustees for raising a sum of money for discharging debts and incumbrances.
29. An act for confirming and establishing an exchange of tythes, cottages and lands, for a messuage, farms, lands, and common of pasture in Steeple Alton, in the county of Oxford, pursuant to an agreement between the principal and scholars of King's Hall, and college of Brazen Nose in Oxford, John Eaton clerk, and Francis Page esquire; and also for giving power to the said Francis Page, and others, claiming under the will of Sir Francis Page knight, deceased, to make a jointure on any wife or wives with whom they may intermarry.

## A T A B L E of the S T A T U T E S.

30. An act for sale of the manor and capital messuage of *Tadworth*, and divers lands, tenements, and hereditaments, in the county of *Surrey*, late the estate of *John Fleetwood* esquire, deceased, and purchasing another estate, to be settled to the uses in his will.
31. An act for vesting the estates of *Evelyn Charles Francke*, and *Edward Francke* esquires, in the county of *Lancaster*, in trustees, to be sold for discharging a mortgage affecting the same, and for laying out the surplus of the money arising by such sale in the purchase of other lands and hereditaments, to be settled pursuant to the wills of the said *Evelyn Charles Francke* and *Edward Francke* respectively.
32. An act for vesting the estates of *Richard Gough Aubrey* esquire, in the counties of *Brecon*, *Glamorgan*, and *Carmarthen*, in trustees, to raise money to discharge several incumbrances affecting the same, and for other purposes therein mentioned.
33. An act to empower Sir *John Melsworth* baronet, and *Joseph Moye* esquire, two of the surviving trustees, in an indenture dated, the twenty-fifth day of *December*, one thousand seven hundred and forty three, to raise the several sums in the said indenture mentioned, or such of them as are still unsatisfied, and pay the same, as well as the rest of the personal estate of *Hugh Gregor* deceased, to such person as *Jane Gregor*, an infant, shall marry during her minority, with the consent of the said surviving trustees, and of her guardians.
34. An act to dissolve the marriage of *Richard Glover*, with *Hannah Nunn* his now wife, and to enable him to marry again, and for other purposes thereto mentioned.
35. An act for dividing and inclosing the undivided parts of the several common fields in the township of *Wartbill*, in the county of *York*, and for giving compensations to the rector of *Holby*, in the same county, and the vicar of *Wartbill* aforesaid, in lieu of tythes and certain ecclesiastical dues.
36. An act for inclosing and dividing the common fields, common pastures, waste grounds, and commonable lands, in the manors and parish of *Sew*, in the county of *Warwick*, and county of the city of *Congerty*.
37. An act for inclosing divers parcels of waste grounds or commons in *Ellell*, in the county of *Lancaster*.
38. An act for inclosing and dividing *Tinwell Fields*, in the county of *Rutland*, and for settling a stipend on the rector in lieu of glebe and tythes.
39. An act for dividing and inclosing a common or moor, called *Aston* and *Shardlow Moor*, and several common fields, meadows, pastures, and waste grounds, lying within the manor of *Weston cum Membris*, and prebend of *Sawley*, in the county of *Derby*.
40. An act for dividing and inclosing the common fields, common pastures, common meadows, and common grounds in *Newton*, in the parish of *Clifton upon Dunsmore*, in the county of *Warwick*.
41. An act for authorizing and empowering *John Riley*, and his issue, to take and use the surname of *Wheelwright*, instead of the surname of *Riley*.
42. An act to enable *James Leigh* esquire, now called *James Perrot*, and his heirs, to take and use the surname and arms of *Perrot*, pursuant to the will of *Thomas Perrot* esquire, deceased.
43. An act for naturalizing *Peter Bennet*.
44. An act for naturalizing *John Dunn* *Paxl*.

## A TABLE of the STATUTES.

45. An act for vesting the manor of *Dantsey*, and hundred of *Chippingham*, and divers messuages, lands, tenements and hereditaments, in the county of *Wilts*, late the estates of *Charles earl of Peterborow and Monmouth*, deceased, in trustees, for raising a certain sum of money for the purposes therein mentioned.
46. An act for sale of the estate of *James lord Cranftoun*, in the county of *Northumberland*, settled on his marriage for the benefit of *Sophia lady Cranftoun*, and their issue, for raising money to discharge the incumbrances affecting the same; and also towards disincumbering his estate in *Scotland*, settled also for the benefit of the said lady *Cranftoun*, and the issue of that marriage.
47. An act for carrying into execution several contracts made by or on the behalf of *James late lord Bulkeley*, in the kingdom of *Ireland*, in his life time, for the sale of several lands and tenements in the county of *Chester*, and for applying the purchase money to discharge incumbrances affecting the same.
48. An act for vesting the manor of *Northall*, and divers lands and hereditaments in the county of *Middlesex*, settled on the marriage of *Sir Hutchins Williams* baronet, and devised by the will of *William Peer Williams* his father, respectively in trustees, in order to be conveyed to *Agatha Child* widow, and her heirs, pursuant to articles of agreement for that purpose, and for laying out the money arising by sale of the estate devised by the said will in the purchase of lands to be settled to the uses of that will, and for other purposes therein mentioned.
49. An act for vesting divers manors, lands and hereditaments, part of the settled estates of *Francis Blake Delaval* esquire, in trustees, for raising money to pay off and discharge several debts and incumbrances, and for other purposes therein mentioned.
50. An act for sale of the settled estate of *Wrightson Mundy* esquire, in the county of *Leicester* for discharging incumbrances affecting the same, and also his unsettled estate in the county of *Derby*, and for settling the *Derbyshire* estate so disincumbered, to the uses therein mentioned.
51. An act for confirming a partition between *John Leman* esquire, and *Elizabeth Newnham*, and *John Newnham* esquire, of several estates in the city of *London*, and counties of *Middlesex* and *Huntingdon*, and for vesting and settling the intire premisses, which on such partition were allotted to the said *John Leman* and *Elizabeth Newnham*, and *John Newnham* respectively, to the uses therein mentioned.
52. An act for dividing the common fields of *Egleton*, alias *Edgeton*, in the county of *Rutland*.
53. An act to enable *John Thorrough* esquire, now called *John Hewett*, and his descendants, to take and use the surname of *Hewett*, pursuant to the will of *Sir Thomas Hewett* knight, deceased.
54. An act for naturalizing *Francis Falabert*, an infant, under the age of eighteen years.

The END of the TABLE.

T H E  
STATUTES at Large, &c.

---

*Anno regni GEORGII II. Regis Magnæ  
Britannicæ, Francicæ, & Hibernicæ, vice-  
simo sexto.*

**A**T the parliament begun and holden at Westminster, the tenth day of November, Anno Dom. 1747, in the twentyfirst year of the reign of our sovereign Lord George the Second, by the grace of God, of Great Britain, France, and Ireland, King, defender of the faith, &c. And from thence continued by several prorogations to the eleventh day of January, 1753, being the sixth session of this present parliament.

C A P. I.

*An act for continuing and granting to his Majestie certain duties upon malt, rum, cyder and perry, for the service of the year one thousand seven hundred and fifty three; and for enlarging the time limited by an act of the last session of parliament, for subscribing annuities, after the rate of three pounds per centum per annum, into the joint stock of annuities therein mentioned, Exp.*

**L**XIII. **A**ND whereas by an act made in the last session of parliament, (intituled, An act for converting the several annuities therein mentioned, into several joint stocks of annuities, transferrable at the Bank of England, to be charged on the sinking fund; and also for consolidating the several other annuities therein mentioned into several joint stocks of annuities, transferrable at the South-Sea House) books were directed to be prepared for receiving the subscription or consent of such of the proprietors of several annuities, after the rate of three pounds per centum per annum, as should subscribe the same into the joint stock of annuities, in the said act described, at any time between the twenty fourth day of June one thousand seven hundred and fifty two, and the fifth day of January one thousand seven hundred and fifty three inclusive, and no longer: and whereas the greatest part of the said annuities hath been

Clause in 25  
Geo. 2. c. 27.  
§ 1. act of the  
last session for  
converting an-  
nuities into a  
joint stock.

Books to be  
kept open at  
the bank for  
receiving sub-  
scriptions to 5  
April 1753.

*Subscribed accordingly; and some of the proprietors of such part of the said annuities as remain unsubscribed, may be desirous that the time for such subscription should be enlarged, which will also be of advantage to the publick; be it enacted by the authority aforesaid, That the governor and company of the bank of England, shall cause such books as have been prepared according to the directions of the said act, for receiving the subscription of the proprietors of the said annuities into the said joint stock of annuities, to be kept open at the bank of England for that purpose, in such manner as by the said act is directed, to the fifth day of April one thousand seven hundred and fifty three inclusive, being the time limited by the said act for the subscription of other annuities after the rate of three pounds ten shillings per centum per annum; and such proprietors of the said annuities, after the rate of three pounds per centum per annum, as have not already subscribed the same into the said joint stock of annuities, their respective attorneys, representatives or assigns, and all persons authorized by the said act to subscribe for them before the said fifth day of January one thousand seven hundred and fifty three, shall have power to make such subscription without fee or charge at any time before the said fifth day of April one thousand seven hundred and fifty three; and such subscription shall be as valid and effectual to all intents and purposes, as if the same had been made before the said fifth day of January one thousand seven hundred and fifty three.*

## C A P. II.

*An act to amend an act made in the eighth year of the reign of his late majesty King George the First, intituled, An act for the better recovery of the penalties inflicted upon persons who destroy the game, by enlarging the time within which suits and actions are to be brought by force of the said act.*

8 Geo. I. c.  
19. §. 2.

**W**H E R E A S by an act of parliament made in the eighth year of the reign of his late majesty King George, intituled, An act for the better recovery of the penalties inflicted upon persons who destroy the game, it is provided, That all suits and actions to be brought by force of the said act, shall be brought before the end of the next term after the offence committed: and whereas the time allowed by the said act for the bringing of such suits and actions has been found very inconvenient, and in many cases is not sufficient for the commencing of prosecutions against offenders, whereby the intent of the said act hath been in some degree defeated; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That all suits and actions to be brought by virtue of the said act, for the recovery of any pecuniary penalty or sum of money for offences, which after the twenty fifth day of March one thousand seven hundred and fifty three shall

Suits for pecu-  
niary pen-  
alties for offen-  
ces committed

. be

be committed against any law now in being for the better preservation of the game, shall and may be brought before the end of the second term after the offence committed; any thing in the said act contained to the contrary notwithstanding.

after 25 March 1753, against the game laws, may be brought before the end of the second term.

### C A P. III.

*An act for continuing the duties upon salt, and upon red and white herrings, for the purposes therein mentioned.*

MOST gracious sovereign, whereas by an act made in the eighteenth year of your Majesty's reign, (intituled, An act for granting and continuing the duties upon salt, and upon red and white herrings, for the further term of six years; and for declaring that the duties on salt, which arise and are payable in that part of Great Britain called Scotland, shall be subject to the same charges thereon, as the same duties were liable to by the act of the fifth year of the reign of his late majesty King George the First) it was enacted, That from and after the determination of the term of seven years, mentioned in an act of the fourteenth year of your Majesty's reign, (intituled, An act for granting and continuing the duties upon salt, and upon red and white herrings, for the further term of seven years; and for allowing rock salt to be used in making salt from sea water at the salt works at Neath in the county of Glamorgan) the several and respective rates and duties upon salt, and upon red and white herrings, which by the said act of the fourteenth year of your Majesty's reign were continued, should be further continued for and during the space of six years; and that the same should be managed, raised, levied, collected, secured and paid in such manner and form, and by and under such powers, authorities, penalties, forfeitures, provisions, restrictions and regulations for managing, raising, levying, collecting, securing and paying the same, and with such witnesses for prompt payment, and for waste of salt carried away, or to Iceland, and for fish, beef and pork exported to parts beyond the seas, and with such drawbacks or debentures on account of duties paid or secured to be paid for salt exported to parts beyond the seas, as were particularly mentioned in the acts recited in the said act of the eighteenth year of your Majesty's reign; and that the said acts therein recited, and every article, rule, clause, matter and thing therein contained, or thereby referred unto, and then being in force, and not otherwise altered by that act, should be and continue in full force and effect, for and during the said further term of six years, as fully and amply to all intents and purposes, as if the same had been particularly recited, expressed and enacted, in the body of that act; with a proviso therein contained, That the duties on salt, arising and payable in that part of Great Britain called Scotland, should be subject to the same or the like charges thereon, in the same manner as the same duties were liable or subject to by an act made in the fifth year of his late majesty King George the First, (intituled, An act for settling certain yearly funds payable out of the revenue of Scotland, to satisfy publick debts in Scotland, and other uses mentioned in the treaty of union; and to discharge the equivalents claimed on behalf of Scotland in the terms

14 Geo. 2. c. 2.  
c. 22.

5 Geo. 1. c. 20.

terms of the same treaty ; and for obviating all future disputes, charges, and expences concerning those equivalents : ) and where- as it was by the said act made in the eighteenth year of your Majest<sup>y</sup>'s reign further enacted, That the money which should from time to time arise at the receipt of the exchequer, of or for the rates or duties by the said act continued, shd. ult from time to time, as the same should arise, at the said receipt (after all the orders of loan made forth by and in pursuance of the said act made in the fourteenth year of your Majest<sup>y</sup>'s reign, together with all the interest due thereupon, should be fully satisfied and discharged, or money sufficient should be reserved for that purpose) be issued and applied at the said receipt for or towards the paying off and discharging all and every the principal sums contained in the orders of loan by the said act of the eighteenth year of your Majest<sup>y</sup>'s reign, directed to be made forth, and for satisfying the interest thereon, in such course, manner and form as are in the said act prescribed and appointed for that purpose, until all the principal and interest payable upon such orders should be fully satisfied, or sufficient money should be reserved in the exchequer for the full payment and satisfaction of the same, as in the said act is directed, and for no other use, intent or purpose whatsoever ; and by the said act it was provided, That in case there should be any surplus or remainder of the monies arising by the said rates and duties thereby continued, after all the orders by the said act of the eighteenth year of your Majest<sup>y</sup>'s reign, directed to be made forth, and the interest thereof should be fully satisfied and discharged, or money sufficient should be reserved for that purpose, such surplus or remainder of the said rates and duties should from time to time be reserved for the disposition of parliament, and should not be issued but by authority of parliament, and as should be directed by any future act or acts of parliament in that behalf, as by the said act, relation being thereto had, may more fully appear : and whereas all the orders of loan made forth in pursuance of the said act of the fourteenth year of your Majest<sup>y</sup>'s reign, together with all the interest due thereupon, have been fully satisfied and discharged : and whereas the principal sum of one million hath, in pursuance of the said act of the eighteenth year of your Majest<sup>y</sup>'s reign, been advanced and paid on the credit of the said rates and duties ; and orders of loan have been made forth to the several contributors, for the repayment thereof, with interest after the rate of three pounds ten shillings per centum per annum : and whereas part of the said orders of loan so made forth in pursuance of the last mentioned act, together with all the interest due thereupon, hath been already discharged and satisfied, and the residue thereof may, according to the course in the said act prescribed, be paid off and discharged before the expiration of the term of six years, for which the said rates and duties were by the said act of the eighteenth year of your Majest<sup>y</sup>'s reign further granted and continued : now we your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, gratefully acknowledging your Majest<sup>y</sup>'s tender care of the welfare of your people, in recommending to us from your throne, the continuance of our attention to the reduction of the national debt, the improvement of the publick revenue, and augmenting the sinking fund, and being desirous to make further provision for those purposes ; to the end

that the nation may thereby acquire additional credit, power and security, have unanimously resolved to give and grant to your Majesty, your heirs and successors for ever, the said rates and duties upon salt, and upon red and white herrings, by the said last mentioned act of the eighteenth year of your Majesty's reign, continued for the term of six years, subject nevertheless to be redeemed by parliament: and do therefore most humbly beseech your Majesty that it may be enacted; and be it enacted The duties  
 of the King's most excellent majesty, by and with the advice upon salt,  
 and consent of the lords spiritual and temporal and commons in and red and  
 this present parliament assembled, and by the authority of the white her-  
 rings, made same, That from and after the expiration of the term of six years, perpetual;  
 for which the said rates and duties were continued by the said  
 act of the eighteenth year of his Majesty's reign, the several and  
 respective rates and duties upon salt, and upon red and white subject to the  
 herring, so by the said last-mentioned act continued, shall be rules, &c. of  
 and are hereby granted and made payable unto his Majesty, his 18 Geo. 2. c. 5.  
 heirs and successors for ever, subject nevertheless to redemption  
 by parliament; and that the same shall be managed, raised,  
 levied, collected, secured and paid, in such manner and form,  
 and by and under such powers, authorities, penalties, forfei-  
 tures, provisions, restrictions and regulations, for managing,  
 raising, levying, collecting, securing and paying the same, and  
 with such allowances for prompt payment, and for waste on salt  
 carried coastwise, or to Ireland, and for fish, beef and pork ex-  
 ported to parts beyond the seas, and with such other allowances,  
 and with such drawbacks or debentures, on account of duties  
 paid or secured to be paid, for salt exported to parts beyond the  
 seas, as are particularly mentioned in the acts recited in the said  
 act of the eighteenth year of his Majesty's reign, or in any other  
 act now in force, relating to the said several rates and duties;  
 and that so much of the said acts and of the acts therein recited,  
 and of every other act as is now in force, and as relates to the  
 managing, raising, levying, collecting, securing and paying of  
 the said rates and duties, or the said allowances, drawbacks and  
 debentures, shall be and remain in full force and effect for ever,  
 as fully and amply to all intents and purposes as if the same  
 were particularly recited, expressed and enacted in the body of  
 this act.

II. Provided nevertheless, and be it enacted and declared, Duties on salt  
 That the duties on salt arising and payable in that part of Great in Scotland  
 Britain called Scotland, are and shall be subject to the same or subject to the  
 like charges thereon, in the same manner as the same duties charges by  
 were liable or subject to by an act made in the fifth year of the 5 Geo. 1. c. 50.  
 reign of his late majesty King George the First, (intituled, An  
 act for settling certain yearly sums payable out of the revenue of Scot-  
 land, to satisfy publick debts in Scotland, and other uses mentioned  
 in the treaty of union; and to discharge the equivalents claimed on be-  
 half of Scotland, in the terms of the same treaty; and for obviating  
 all future disputes, charges and expences concerning those equivalents)  
 any thing in this act contained to the contrary notwithstanding.

III. And be it further enacted by the authority aforesaid, That

After payment of principal and interest of the  
loan on  
28 Geo. 2. c. 5.

these duties to  
be carried to  
the sinking  
fund.

That after all the orders of loan made forth in pursuance of the said act of the eighteenth year of his present Majesty's reign, together with all interest due thereupon, shall be fully discharged and satisfied, or money sufficient shall be reserved for that purpose, all the monies which shall from time to time arise at the receipt of the exchequer, as well of or for the said rates and duties by the said act of the eighteenth year of his present Majesty's reign continued, as of or for the rates and duties by this act granted and made perpetual, shall be carried to and made part of the fund commonly called the *Sinking Fund*, and shall and may be issued and applied in such manner, and to such uses and purposes as other rates, duties, revenues and incomes, composing the said fund, are or shall be directed by authority of parliament to be issued and applied, and for no other use, intent or purpose whatsoever.

#### C A P. IV.

An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and fifty three. EXP. At 2s. in the pound.

#### C A P. V.

An act for punishing mutiny and desertion; and for the better payment of the army and their quarters. EXP.

#### C A P. VI.

An act to oblige ships more effectually to perform their quarantine; and for the better preventing the plague being brought from foreign parts into Great Britain or Ireland, or the isles of Guernsey, Jersey, Alderney, Sark, or Man.

**W**H E R E A S it is necessary that some provision be made by parliament, for obliging ships and persons coming from places infected with or frequently subject to the plague, to perform quarantine in such manner as hath been or shall be ordered by his Majesty, his heirs or successors; and for punishing offenders therein in a more expeditious manner than can be done by the ordinary methods of law; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in parliament assembled, and by the authority of the same, That all ships and vessels arriving, and all persons, goods and merchandizes whatsoever, coming or imported into any port or place within Great Britain or Ireland, or the isles of Guernsey, Jersey, Alderney, Sark or Man, from any place from whence his Majesty, his heirs or successors, by and with the advice of his or their privy council shall judge it probable that the infection may be brought, shall be obliged to make their quarantine in such place and places, for such time and in such manner, as hath been or shall, from time to time, be directed by his Majesty, his heirs or successors, by his or their order or orders made in his or their privy council, and notified by proclamation, or published in the *London Gazette*; and that until such ships, vessels, persons, goods and merchandizes shall have re-

All vessels,  
persons and  
goods coming  
from places  
from whence  
the plague  
may be  
brought, sub-  
ject to per-  
form qua-  
rantine in  
such places as  
shall be ap-  
pointed;

respectively performed, and be discharged from such quarantine, no such person, goods or merchandizes, or any of them, shall come or be brought on shore, or go or be put on board any other ship or vessel, in any place within his Majesty's dominions, unless in such manner, and in such cases, and by such licence as shall be directed or permitted by such order or orders made by his Majesty, his heirs or successors, in council as aforesaid; and that all such ships and vessels, and the persons or goods coming or imported in, or going or being put on board the same, and all ships, vessels, boats and persons receiving any goods or persons out of the same, shall be subject to such orders, rules and directions concerning quarantine, and the prevention of infection, as have been or shall be made by his Majesty, his heirs and successors in council, and notified by proclamation, or published in the *London Gazette* as aforesaid.

II. And it is hereby further enacted by the authority aforesaid, That if the plague shall appear on board any ship, being to the northward of cape *Finisterre*, the master, commander or other person having charge thereof, shall immediately proceed to the harbour of *New Grimsby* in the islands of *Scilly*, where being arrived, he shall make known his case to some officer of the customs there, who shall immediately acquaint some custom-house officer of some near port of *England* thereof, and the said custom-house officer shall with all possible speed send up the intelligence thereof to one of his Majesty's principal secretaries of state, that such measures may be taken for the comfort and support of the crew of such ship so infected, and such precautions used to prevent the spreading of the infection, as the case shall require; and the said ships shall remain at the said islands of *Scilly*, till his Majesty's pleasure be known; nor shall any of her crew go on shore; but in case the said master, commander or other person having charge of the said ship so infected, shall not be able to make the said islands of *Scilly*, or shall be forced by stress of weather or otherwise to go up either of the channels, he shall not presume to enter with such ship into any port, but shall remain in some open road, till he receives orders from his Majesty, or his privy council, and shall take care to prevent any of his ship's company from going out of his ship, and to avoid all intercourse with other ships or persons; and the said master or any other person on board such ship as aforesaid, who shall be disobedient herein, shall be adjudged guilty of felony, and shall suffer death as in cases of felony, without benefit of clergy; and every such offence so made felony, shall and may be enquired of, heard and determined in the county where the offence shall be committed, or else in the county where the offender shall be apprehended.

III. And to the end that it may be better known whether any ship or vessel be actually infected with the plague, or whether such ship or vessel, or the mariners or cargo coming and imported in the same, are liable to any orders touching quarantine; by it further enacted by the authority aforesaid, That when any country or place is or shall be infected with the infected, or

Vessels infected, being to the northward of Cape Finisterre, to proceed to the harbour of New Grimsby, and give notice of their case; to be transmitted to the secretary's office, &c.

Vessels not able to make Scilly, to remain in some road till orders arrive.

Penalty of dis-  
obedience,  
death.

orders made, officers to go off to the vessel, and interrogate the master concerning the ship's cargo and voyage, health, &c.

plague; or when any order or orders is, are or shall be made by his Majesty, his heirs or successors, concerning quarantine, and the prevention of infection as aforesaid; as often as any ship or vessel shall attempt to enter into any port or place in Great Britain or Ireland, or of the isles of Guernsey, Jersey, Alderney, Sark or Man, the principal officer of his Majesty's customs in such port or place, or such person as shall be authorized to see quarantine duly performed, shall go off, or cause some other person to be by him appointed for that purpose, to go off to such ship or vessel; and such officer, or other person authorized to see quarantine performed as aforesaid, or the person so by him appointed for that purpose, shall, at a convenient distance from such ship or vessel, demand of the commander, master or other person having charge of such ship or vessel, and such commander, master or other person having charge of such ship or vessel, shall, upon such demand, give a true account of the following particulars; that is to say, the name of such ship or vessel; the name of the commander or person having charge thereof; at what place or places the cargo was taken on board; what place or places the ship or vessel touched at in her voyage; whether such places, or any, and which of them were infected with the plague; how long such ship or vessel had been in her passage; how many persons were on board when the said ship or vessel set sail; whether any and what persons, during that voyage on board such ship or vessel, had been or shall be then infected with the plague; how many died in the voyage, and of what distemper; what ships or vessels he, or any of his ship's company, with his privity went on board, or had any of their company come on board his ship or vessel in the voyage; and to what place such ships or vessels belonged; and also the contents of his lading, to the best of his knowledge: and in case it shall appear upon such examination otherwise, that any person then on board such ship or vessel shall at the time of such examination be actually infected with the plague, or that such ship is obliged to perform quarantine, in such case it shall and may be lawful to and for the officers of any of his Majesty's ships of war, or any of his Majesty's forts or garrisons, and all other his Majesty's officers whom it may concern, upon notice thereof given to them, or any of them respectively, and to and for any other person or persons whom they shall call to their aid and assistance, and they are hereby required to oblige such ship or vessel to go and repair to such place as hath been or shall be appointed for performance of quarantine, and to use all necessary means for that purpose, be it by firing of guns upon such ship or vessel, or any other kind of force or violence whatsoever; and in case any such ship or vessel shall come from any place visited with the plague, or have any person on board actually infected, and the commander, master or other person having charge of such ship or vessel, shall conceal the same, such commander, master or other person having charge of such ship or vessel, shall be adjudged guilty of felony, and shall suffer death as in cases of

If the infection shall be on board, &c.  
the vessel to be obliged to perform quarantine;

contents of his lading, to the best of his knowledge: and in case it shall appear upon such examination otherwise, that any person then on board such ship or vessel shall at the time of such examination be actually infected with the plague, or that such ship is obliged to perform quarantine, in such case it shall and may be lawful to and for the officers of any of his Majesty's ships of war, or any of his Majesty's forts or garrisons, and all other his Majesty's officers whom it may concern, upon notice thereof given to them, or any of them respectively, and to and for any other person or persons whom they shall call to their aid and assistance, and they are hereby required to oblige such ship or vessel to go and repair to such place as hath been or shall be appointed for performance of quarantine, and to use all necessary means for that purpose, be it by firing of guns upon such ship or vessel, or any other kind of force or violence whatsoever; and in case any such ship or vessel shall come from any place visited with the plague, or have any person on board actually infected, and the commander, master or other person having charge of such ship or vessel, shall conceal the same, such commander,

If the vessel shall come from any place infected, or have the infection on board the

master or other person having charge of such ship or vessel, shall be adjudged guilty of felony, and shall suffer death as in cases of felony

felony without benefit of clergy; and in case such commander, master con-  
master or other person having charge of such ship or vessel, shall sealing the  
upon such demand made as aforesaid, not make a true discovery same, guilty  
in any other of the particulars aforesaid, such commander ma-  
ster or other person having charge of such ship or vessel, for e-  
xery such offence shall forfeit the sum of two hundred pounds, and not mak-  
ing a true dis-  
and the moiety thereof to the King his heirs and successors, and the covery in o-  
ther moiety to him or them who shall sue for the same, by ther particu-  
lars, to forfeit  
courts of record at *Westminster, Edinburgh, Dublin*, or in the  
proper courts of the isles of *Guernsey, Jersey, Alderney, Sark or*  
*Man* respectively.

IV. And be it further enacted by the authority aforesaid,  
That every master, commander or other person having charge Master of a  
of any ship or vessel which shall be ordered to perform quaren- vessel perform-  
tine as aforesaid, shall, after his arrival at the place appointed for tine,  
the performance of his quarantine, deliver on demand to the  
chief officer appointed to see quarantine duly performed there, to deliver to  
such bill of health, and manillet, as he shall have received from the officer the  
any *British* consul during his voyage, together with his log-book bill of health,  
and journal, under penalty of forfeiting five hundred pounds ; and manillet,  
one moiety thereof to the King, his heirs and successors, the of the British  
other moiety to him or them who shall sue for the same, by the log book  
action of debt, bill, plaint or information, in any of his Majesty's and journal,  
courts of record at *Westminster, Edinburgh, Dublin*, or in the under 500 l.  
proper courts of the isles of *Guernsey, Jersey, Alderney, Sark or*  
*Man* respectively.

V. And be it further enacted by the authority aforesaid, That if any commander, master or other person having charge of any Master, &c.  
ship or vessel liable to perform quarantine, having notice there- quitting the  
of, shall himself quit, or shall knowingly permit or suffer any vessel before  
seaman or passenger coming in such ship or vessel, to quit such quarantine  
ship or vessel, by going on shore, or by going on board any o- performed,  
ther ship, boat or vessel before such quarantine shall be fully unless by li-  
performed, unless in such cases, and by such proper licence as  
shall be directed or permitted by such order or orders made or  
to be made concerning quarantine, and the prevention of in- cence;  
fection as aforesaid ; or in case any commander, master or o-  
ther person having charge of such ship or vessel, shall not, with- or not going  
in convenient time after due notice given for that purpose by to the place  
the proper officer, cause such ship or vessel, and the lading appointed, to  
thereof, to be conveyed into the place or places appointed for such  
ship, vessel and lading to perform quarantine respectively ; then, to forfeit 500 l.  
and in every such case, every such commander, master or other  
person having charge of such ship or vessel, for every such offence  
shall forfeit five hundred pounds ; one moiety thereof to the  
King, his heirs and successors, and the other moiety to him or and persons  
them who will sue for the same ; and also if any person shall so quitting the  
quit such ship or vessel by going on shore, or by going on board obliged by  
any other ship or vessel, contrary to the true meaning of this force to re-  
act, it shall and may be lawful for all persons whatsoever, by turn,  
any

and to suffer imprisonment, and forfeit 200l.

Lazarets may be erected on common or private grounds, making satisfaction to the proprietors.

In case of difference, the same to be settled by a jury at the quarter-sessions.

any kind of force and violence, to compel such person to return on board such ship or vessel; and every such person so quitting such ship or vessel shall for every such offence suffer imprisonment for the space of six months, and shall also forfeit the sum of two hundred pounds; one moiety to the King, his heirs and successors, the other moiety to him or them that will sue for the same; the same respective penalties and forfeitures to be recovered by action of debt, bill, plaint or information, in any of his Majesty's courts of record at Westminster, Edinburgh, Dublin, or in the proper courts of the isles of Guernsey, Jersey, Alderney, Sark, or Man respectively.

VI. And be it further enacted by the authority aforesaid, That whenever his Majesty, his heirs and successors, by and with the advice and consent of parliament, shall direct houses or lazarets to be provided for the receiving and entertaining of persons obliged to perform quarantine, or for the depositing, opening and airing of goods and merchandizes liable to perform quarantine as aforesaid, it shall and may be lawful to erect the same either in any waste grounds or commons, or where such waste grounds or commons are not sufficient, in the several grounds of any person or persons whatsoever, not being a house, park, garden, orchard, yard or planted walk, or avenue to a house, paying such rate, rent or consideration for the same to the persons interested therein respectively, according to their several interests in the same, as shall be agreed on between the persons so interested, their guardians or trustees, and any two persons to be appointed for that purpose by his Majesty, his heirs or successors, under his or their sign manual; and in case of any difference concerning such rate, rent or consideration between the persons so interested, their guardians or trustees, and such persons so to be appointed by his Majesty, his heirs or successors as aforesaid, then and in such cases the said persons so to be appointed by his Majesty, his heirs and successors, may and are hereby authorized, thirty clear days before any general quarter session of the peace to be holden for the respective counties or divisions where such grounds shall respectively lie as aforesaid, to give or cause to be given, to the occupier or occupiers of such several grounds, or to be left at their last places of abode respectively, a notice in writing, describing the quantity of ground so directed by his Majesty, his heirs and successors, by and with the advice and consent of parliament, for the purposes aforesaid, and purporting that the rent or consideration of such ground will be adjusted and settled by a jury at the said sessions; and the justices at their said sessions, upon proof to them made that such notices have been given, shall and are hereby authorized and required to charge the jury which shall attend at the said sessions, or some other jury of twelve honest and substantial men (to be then and there impanelled and returned by the sheriff of the county, without fee or reward) and cause to be sworn, well and truly on their oaths to assess the value of the ground comprised in the said notices, and the rent or consideration to be given for the same

same to the respective owner or owners thereof, according to their respective interests therein; which oath the said justices are hereby required to administer to the said jury, and to which said jury the said persons to be appointed by his Majesty, his heirs and successors, and the parties interested in such ground shall have their lawful challenges; and the said jury being so sworn and charged as aforesaid, after proper evidence on oath given to them, shall by their verdict assess the rent or consideration to be given for such ground to the respective owner or owners thereof, according to their respective interests therein; which verdict of the said jury, and judgment of the said justices thereupon, shall be conclusive and finally bind all parties; and that from and after such verdict and judgment, his Majesty, his heirs and successors, shall and may hold and enjoy such ground for and during all such time and term as his Majesty, his heirs and successors, shall judge necessary for the purposes aforesaid, paying for the same such rate, rent, or other consideration, as shall be agreed upon, or assessed and adjudged as aforesaid.

VII. And be it further enacted by the authority aforesaid, That the proper officers authorized to put in execution such orders made or to be made as aforesaid, shall, and they are hereby impowered and required to cause and compel all persons obliged to perform quarantine as aforesaid, and all goods and merchandizes comprised within any such orders made or to be made as aforesaid, respectively to repair, or be conveyed to some of the said houses or lazarets, or to such other places as shall be provided for the reception of such persons, goods or merchandizes, or for the opening and airing of such goods or merchandizes, according to such order or orders made or to be made as aforesaid.

Officers to oblige all persons to comply with orders.

VIII. And be it further enacted, That if any person obliged to perform quarantine as aforesaid, shall wilfully refuse or neglect to repair, within convenient time after due notice for that purpose given to him, her or them, by the proper officer, to the house, lazaret, or other place, duly appointed for him, her or them, or having been placed in such house or lazaret, or other place, shall escape or attempt to escape out of the same before quarantine fully performed; it shall and may be lawful to and for the watchmen, and other persons appointed to see quarantine performed, by such force as the case shall require, to compel every such person so refusing or neglecting as aforesaid, and every such person so escaping or attempting to escape as aforesaid, to repair or return into such house, lazaret, or other place so appointed for him or her as aforesaid; and every such person so refusing or neglecting to repair, within convenient time after such notice as aforesaid, into such house, lazaret, or other place appointed for him or her as aforesaid; and also every person of felony actually escaping as aforesaid, shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy.

Officers may compel them by force.

IX. And whereas disobedience or refractory behaviour in persons under quarantine may be attended with great danger and inconvenience; Officers to enforce obedience.

be it further enacted by the authority aforesaid, That all persons liable to perform quarantine, whether in ships, lazarets, or elsewhere, shall be subject, during the said quarantine, to such orders as they shall receive from the proper officers authorized to see it duly performed; and the said officers are hereby impowered and required to enforce all necessary obedience to their said orders; and may, in case of necessity, call in others to their assistance; and all persons so called are hereby required to assist accordingly.

Sound persons  
entering a la-  
zaret, &c.  
where the in-  
fection is, to  
be obliged to  
continue  
there, and  
perform qua-  
rantine;

and if he  
escape, to be  
guilty of fe-  
lony.

Officer ne-  
glecting duty,  
to forfeit his  
office, and  
100 l.

and if he em-  
bezzle any  
goods, to pay  
treble da-  
mages.

X. And be it further enacted, That if any person not infected with the plague, nor liable to perform quarantine, shall enter any house, lazaret, or other place so appointed as aforesaid, whilst any person or persons infected with the plague, or being under quarantine, shall be therein; and shall return, or attempt to return from thence, unless in such cases, and by such licence, as shall be directed or permitted by such order or orders made or to be made as aforesaid; it shall and may be lawful to and for the watchmen, or other persons appointed to guard or secure such house, lazaret, or other place so appointed as aforesaid, by such force as the case shall require, to compel such person so returning or attempting to return, to repair into such house, lazaret, or other place so appointed as aforesaid, there to continue and perform quarantine: and in case such person shall actually escape out of such house, lazaret, or other place where he or she shall be so placed for performance of quarantine, before he or she shall have fully performed the same, he or she shall be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy.

XI. And it is hereby further enacted, That if any officer or officers of his Majesty's customs, or any other officer or officers, person or persons whatsoever, to whom it doth or shall appertain, to execute any order or orders made or to be made concerning quarantine, or the prevention of infection, and notified as aforesaid, or to see the same put in execution, shall be guilty of any wilful breach or neglect of his or their duty in that behalf, every such officer and person so offending shall forfeit his office or employment in the customs, or any other office or employment, and shall become from thenceforth incapable to hold or enjoy the same, or to take a new grant thereof, and forfeit the sum of one hundred pounds, one moiety thereof to the King, his heirs and successors, and the other moiety to him or them who shall or will sue for the same by action of debt, bill, plaint or information, in any of his Majesty's courts of record at Westminster, Edinburgh, Dublin, or in the proper courts of the isles of Guernsey, Jersey, Alderney, Sark or Man, respectively; and if any such officer or person shall embezzle, or shall knowingly and willingly damage any goods performing quarantine under his direction, he shall be liable to pay treble damages, and full costs of suit.

XII. And whereas certain species of goods and merchandizes are more especially liable to retain infection, and may be brought from places

*places infected into other countries, and from thence imported into his Majesty's dominions in ships not obliged to perform quarantine; be it enacted by the authority aforesaid, That all such goods and Goods spe-*

*cified to be liable to qua-*

*reantine, and the prevention of infection as aforesaid, which shall be imported into any of his Majesty's dominions, from any foreign country or place, in any ship or vessel whatsoever, shall be subject and liable to such order or orders made or to be made concerning quarantine, and the prevention of infection as aforesaid.*

XIII. And it is hereby further enacted, That after quarantine shall have been duly performed by any ship or vessel, person or persons, obliged to perform quarantine, according to such order or orders made as aforesaid, and this act, and upon proof to be made by the oaths of the master, or other person having charge of such ship or vessel, and of two of the persons belonging to such ship or vessel, or upon proof to be made by the oaths of two or more credible witnesses, before the customer, comptroller or collector of the port where such quarantine shall be performed, or the next port thereunto, or before any of their deputies, or any justice of the peace living near to such port, or where such quarantine shall have been performed within any of the said isles of Guernsey, Jersey, Alderney, Sark or Min, before any two jurats or magistrates of any of the said isles respectively, (which persons are hereby authorized and required to administer such oath) that such ship or vessel, and all and every such person and persons respectively, have duly performed quarantine as

On proof  
that the ves-  
sel hath per-  
formed qua-  
rentine,

aforesaid; and that the ship or vessel, and all and every such ship and persons, are free from infection; and after producing a certificate to that purpose, signed by the chief officer who supervised the quarantine of the said ship, then and in the said respective cases such customer, comptroller or collector, or any of their deputies, together with the said justice of the peace, or such jurats or magistrates as aforesaid respectively, are hereby required to give a certificate thereof; and thereupon such ship men to be dismissed or vessel, and all and every such person and persons so having performed quarantine, shall be liable to no further restraint or detention upon the same account, for which such ship or vessel, person or persons, shall have performed quarantine as aforesaid.

the ship and  
men to be dis-  
missed.

XIV. And it is hereby further enacted, That the officer before whom such oath shall be made, and by whom such certificate shall be given, shall for such respective oath and certificate demand or take no fee or reward whatsoever.

No fee to be  
taken.

XV. Provided nevertheless, and it is hereby enacted, That all goods, wares and merchandizes, liable to quarantine as aforesaid, shall be opened and aired in such place or places, and for the airing for such time, and in such manner, as shall be directed by his Majesty, his heirs or successors, by such order or orders to be made as aforesaid; and after such orders shall have been duly complied with, and a certificate thereof given by the chief officer appointed

Orders to be  
complied with  
for the airing  
of goods;  
and on certi-  
ficate and  
proof.

pointed to superintend the quarantine and airing of such goods, wares and merchandizes, and proof shall be made thereof, by the oaths of two or more credible witnesses, before the customer, comptroller or collector of the port, lying next to such place or places where such goods, wares or merchandizes, shall have been opened and aired as aforesaid, or any of their deputies, ~~or~~ any justice of the peace living near the same, or before any two jurats or magistrates of the said isles of *Guernsey, Jersey, Alderney, Sark or Man* respectively, (who are hereby authorized and required to administer such oath) upon certificate and return of such proof by such customer, comptroller or collector, or any of their deputies, or such two jurats or magistrates as aforesaid, (who are hereby respectively required to make such certificate and return to the commissioners appointed for the management of the customs of *Great Britain or Ireland*, or to the governor or commander in chief, being upon the place, in the isles of *Guernsey, Jersey, Alderney, Sark or Man* respectively) such goods, wares and merchandizes, shall be forthwith discharged from any restraint or detention upon the same account, by order of the said commissioners, or any two of them, or of the said governor or commander in chief of any of the said isles as aforesaid respectively; for every of which oath, certificate and order, no fee or reward whatsoever shall be demanded or taken.

~~the goods to  
be discharged.~~

~~Officer de-  
manding a fee cer or other person shall demand or take any fee or reward  
for such oath or certificate,  
to forfeit 100l.~~

XVI. Provided always, and be it enacted, That if any officer demanding a fee cer or other person shall demand or take any fee or reward whatsoever for any such oath, order or certificate, to be administered or made in pursuance of this act, every person so offending shall forfeit the sum of one hundred pounds, one moiety thereof to his Majesty, his heirs and successors, and the other moiety to him or them who shall sue for the same, by action of debt, bill, plaint or information, in any of his Majesty's courts of record at *Westminster, Edinburgh, Dublin*, or in the proper courts of *Guernsey, Jersey, Alderney, Sark or Man* respectively, in which case treble costs shall be allowed to either party as in other cases.

~~Superintend-  
ant of the  
quarantine, or  
watchman,  
acting con-  
trary to their  
duty,~~

~~or officer giv-  
ing a false cer-  
tificate, to  
suffer death.~~

XVII. And be it further enacted by the authority aforesaid, That if any officer or other person appointed to see quarantine duly performed, or any person placed or appointed as a watchman upon any house, lazaret, ship or other place, for performance of quarantine in pursuance of this act, shall desert from their duty when employed on the said business of quarantine, or shall knowingly and willingly permit or suffer any person, ship, goods or merchandizes, to depart or be conveyed out of such house, lazaret, ship or other place respectively appointed for performance of quarantine, unless in such cases, and by such licence, as are or shall be directed or permitted by some order or orders made or to be made as aforesaid; or if any person directed as aforesaid to give a certificate of a ship's having duly performed her quarantine or airing, shall knowingly give a false certificate; then and in every of the said cases, every such offi-

cer

cer and person ſo offending ſhall ſuffer death as in caſes of felony, without benefit of clergy.

XVIII. And be it further enacted by the authority aforesaid, Persons con-  
That if any person or persons shall knowingly or wilfully con- cealing or  
ceal from the officers of quarantine, or ſhall clandestinely con- clandestinely con-  
vey any letters, goods, wares or merchandizes from any ship conveying let- ters or goods  
under quarantine, or liable to perform quarantine, by any ſuch from any ship  
order to be made as aforesaid, or from any lazaret or other place under quaran- what's goods ſhall be performing quarantine, every ſuch person tine, or from  
to ſo offending ſhall ſuffer death, as in caſes of felony, without any lazaret, to ſuffer death.  
benefit of clergy.

XIX. And whereas it is notorious, that notwithstanding the many good laws made to prevent the clandestine importation of cuſtomable and prohibited goods and merchandizes, a pernicious trade of that kind is ſtill carried on, for the moft part in open boats or vessels of ſmall burthen, which privately and in the night put into creeks and ſecret places on the coaſt, thereby escaping the obſervation of the officers of the cuſtoms, which practices may prove highly aetruental to the ſafety of theſe kingdoms during a time of infection; for prevention thereof, be it enacted by the authority aforesaid, That During the in-  
when any part of Great Britain, Ireland, or the iſles of Guernſey, Jersey, Alderney, Sark or Man, or France, Spain, Portugal or the Low Countries, ſhall be infected with the plague, it ſhall and may be lawful to and for his Maſteſty, his heirs and ſucceſſors, to give ſecuri- fectiōn in the  
places herein mentioned,  
by his or their proclamation to prohibit and reſtrain all ſmall boats and vessels, under the burthen of twenty tons, from fail- at any country  
ing or paſſing out of any port or place of Great Britain or Ireland, mentioned in or the iſles of Guernſey, Jersey, Alderney, Sark and Man, or any a proclama- which ſhall be  
of them, until ſecurity be first given by the maſter of every ſuch tion.

Boat or vessel respectively, to the ſatisfaction of the principal officer of the cuſtoms, or the chief magistrate of the port or place from whence ſuch boat or vessel ſhall sail, by bond taken to the King, his heirs or ſucceſſors, with ſufficient ſureties, in the penaſty of three hundred pounds, with condition that if ſuch boat or vessel ſhall not go to, or touch at any country, port or place to be mentioned for that purpoſe in ſuch proclamation; and if the maſter or other person having charge of ſuch boat or vessel, and all and every mariner and mariners, paſſenger and paſſengers going in ſuch boat or vessel ſhall, during the time a-foreſaid, not go on board any other ſhip or vessel at ſea, and if ſuch maſter or other person having charge of ſuch boat or vessel ſhall not permit or ſuffer any person or persons to come on board ſuch boat or vessel at ſea from any other ſhip or vessel, and ſhall not, during the time aforesaid, receive any goods and merchandizes whatſoever out of any other ſhip or vessel, then ſuch bond ſhall be void, or to ſuch effect; for the making of which bond no fee or reward whatſoever ſhall be taken; and in caſe without ſuch any boat or vessel for which ſuch ſecurity ſhall be required by ſecurity to be ſuch proclamation, ſhall ſet ſail or paſſ out of any port or place of Great Britain or Ireland, or the iſlands of Guernſey, Jersey, Alderney, Sark and Man, or any of them respectively, before ſuch security

and the master  
and crew to  
forfeit 20l.

security be given as aforesaid, every such boat or vessel so sailing or passing out of any port or place, contrary to the true intent and meaning of this act, together with her tackle, apparel and furniture, shall be forfeited to the King, his heirs and successors, and shall and may be seized, sued for, and recovered in his Majesty's court of exchequer at *Westminster, Edinburgh or Dublin*, or in the proper courts of the isles of *Guernsey, Jersey, Alderney, Sark or Man* respectively, to the use of his Majesty, his heirs and successors; and the master of, and every mariner sailing in any such boat or vessel, being thereof lawfully convicted upon his or their appearance or default, upon the oath or oaths of one or more credible witness or witnesses, by one or more justice or justices of the peace where such offender shall be found (which oath such justice or justices of the peace are hereby empowered and required to administer) shall forfeit the sum of twenty pounds; one moiety thereof to the informer, the other moiety to the poor of the parish where such offender shall be found; the same to be levied by distress and sale of the offender's goods, by warrant under the hand and seal or the hands and seals of such justice or justices before whom such offender shall be convicted as aforesaid; and for want of sufficient distress, every such offender shall by such justice or justices be committed to prison, there to remain without bail or mainprize for the space of three months; and in case any such offender shall be found in any of the said isles of *Guernsey, Jersey, Alderney, Sark or Man*, and shall be lawfully convicted of such offence in any action or suit to be founded on this act, in the proper court of any of the said isles where he shall be so found, such offender shall forfeit the sum of twenty pounds, one moiety thereof to the informer, and the other moiety to the poor of the parish or place where such offender shall be found; and in default of paying such penalty shall suffer imprisonment without bail or mainprize for the space of three months.

Orders con-  
cerning qua-  
rantine to be  
read in  
churches, &c.

XX. And, to the end that all persons may know how to demean themselves in the premises, be it further enacted by the authority aforesaid, That when and as often as his Majesty, his heirs or successors, shall make any order or orders concerning quarantine, and the prevention of infection, and notify the same by proclamation, or cause the same to be published in the *London Gazette*, as aforesaid; such proclamation, or order or orders in council, as aforesaid, shall be publickly read upon the next Sunday on which divine service shall be performed after the receipt of the same, and the first Sunday in every month afterwards (during the time such orders shall continue in force) immediately after the prayers in all parish churches, and other places set apart for divine worship, within such counties and places as shall be specified for that purpose in such proclamation or orders respectively.

XXI. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this present act,

act, the defendant or defendants in such action or suit, may plead the general issue, and give this act, and the special matter in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by the authority of the said act; and if it shall appear so to have been done, then the jury shall find for the defendant or defendants; and if the plaintiff shall be non-suited, or discontinue his action, after the defendant or defendants shall have appeared; or if judgment shall have been given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same, as the defendant or defendants hath or have in other cases by law.

XXII. Provided always, and it is hereby enacted, That no Limitation of attainer of felony, by virtue of this act, shall extend to work attainer of any corruption of blood or forfeiture of any goods, chattels, ~~felony on this lands, tenements or hereditaments.~~

XXIII. And it is hereby further enacted by the authority aforesaid, That this act, and the several clauses and provisions therein contained, shall commence and take effect from and after the first day of March one thousand seven hundred and fifty four.

### C A P. VII.

An act for the more easy and speedy recovery of small debts within the borough of Boston, and Skirbeck Quarter, and the parishes of Boston and Skirbeck, in the county of Lincoln.

### C A P. VIII.

*An act for opening the port of Exeter for the importation of wool, and woollen yarn from Ireland.*

WHEREAS the opening of the port of Exeter for the importation of wool, and woollen yarn from Ireland, will be of great utility and advantage to the woollen manufactures in the city of Exeter, and also in the neighbourhood thereof, by rendering the conveyance of those materials more easy, cheap and expeditious, and may also be a means of increasing the importation of wool, and woollen yarn from Ireland, into this kingdom: may it therefore please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of June one thousand seven hundred and fifty three, it shall and may be lawful for any person or persons to import into the port of Exeter, any wool, or woollen or bay-yarn, wool-fells, shortlings, mortlings, wool-flocks, and worsted-yarn, from Ireland; any act or acts of parliament to the contrary in any wise notwithstanding.

II. Provided always, and be it enacted by the authority aforesaid, That all such importations of wool, and woollen or bay-yarn, wool-fells, shortlings, mortlings, wool-flocks, and worsted-yarn, from Ireland, into the said port of Exeter, shall be

made from such ports only, and under the same restrictions and regulations in all respects, as wool or woollen-yarn is now by law permitted to be imported into the several ports of *Bideford, Barnstaple, Minehead, Bridgwater, Bristol, Milford Haven, Chester, Liverpool, Lancaster and Great Yarmouth*, or any of them, and in the same manner, to all intents and purposes, as if the said port of *Exeter* had been particularly named for the importation of the said goods, in an act made in the tenth and eleventh years of the reign of the late King *William the Third* (intituled, *An act to prevent the exportation of wool out of the kingdoms of Ireland and England into foreign parts, and for the encouragement of the woollen manufactures in the kingdom of England*) or in any other act or acts of parliament whatsoever.

by 10 & 11 W. 3. c. 10.

## C A P. IX.

*An act to explain, amend, and render more effectual an act made in the twenty third year of the reign of his present Majesty, intituled, An act for the encouragement of the British white herring fishery ; and for regulating the said fishery according to the calendar now in use, and for other purposes therein mentioned.*

23 Geo. 2. c. 24. WHEREAS by an act made in the twenty third year of the reign of his present Majesty, intituled, An act for the encouragement of the British white herring fishery, after impowering his Majesty, his heirs and successors, by letters patent, under the great seal of Great Britain, to incorporate sundry persons in the said act named, and such other bodies and persons, as in the said act are mentioned, to be one body politick and corporate, by the name of The Society of the free British fishery, for the purpose of carrying on and improving the British white herring fisheries ; it is, amongst other things, enacted, That for an encouragement to such persons as shall become subscribers to the stock for carrying on the said fisheries, that the sum of three pounds by the year for each hundred pounds, which shall be actually employed in the said fishery, and proportionably for any greater or lesser sum, shall be paid to the proprietors of the said stock, for and during the space of fourteen years from the date of their charter, out of the customs, by the receiver general of his Majesty's customs, by equal half-yearly payments, provided that the said society shall employ the sum of one hundred thousand pounds, at least, in the said fisheries, within the space of eighteen months after the date of such subscription ; and it is by the said act further provided and enacted, That such sums as shall bona fide be contracted to be paid within six months, shall be deemed employed within the sense and meaning of the said act, in case so much money of the said company as shall be sufficient to answer the said contracts respectively, shall at the time of making the same, be in the bank of England : and whereas, pursuant to the powers by the said act given to his said Majesty, a society by the name of The Society of the free British fishery, hath been incorporated by charter, bearing date the eleventh day of October one thousand

thousand seven hundred and fifty, and a very considerable sum of money hath been subscribed and paid in towards carrying on the purposes of the said act and charter: and whereas the said society, in the carrying on the said fishery, did actually expend within the term of eighteen months after the date of such subscription, or bona fide contract to be paid within the term of six months, allowed after the expiration of such eighteen months, the sum of one hundred thousand pounds, and upwards, and actually had in the bank of England, before the expiration of the said eighteen months, money sufficient to answer all such contracts; but in regard the said society had not in the bank of England, at the respective times of making such contracts, money sufficient to answer the said contracts respectively, a doubt hath arisen whether the said society are, by the words of the said act, intitled to the interest of three pounds per cent. allowed by the said act, for such sum so by them expended or employed in the said fishery: and whereas, amongst other qualifications by the said act made necessary for obtaining a licence and authority for the said society's busses or vessels to proceed on the said fishery, oath is to be made by such persons, as in the said act mentioned, that it is their firm purpose and determined resolution, that such busses or vessels shall proceed either to Brassey's Sound in Shetland, and be at the rendezvous of the said fishery there, on or before the eleventh day of June, and shall not shoot or wet their nets before the thirteenth day of the said month of June, and shall continue fishing as in the said act directed, to the first day of October, or shall proceed to Campbell Town in Argyllshire, and be at the rendezvous of the said fisheries on or before the first day of September, and shall continue fishing to the thirty first day of December, unless they shall have sooner completed their loading of fish; which said several nominal days by the late alteration made by law, in the supputation of time, in these kingdoms, will, for the time to come, fall eleven days earlier in the year than was intended by the said act: and whereas doubts have arisen whether the busses or vessels employed by the said society in the said fisheries, are by the said act obliged to have on board at their return into port from the said fishery, the same number of hands as they are by the said act required to have on board at the rendezvous of such vessels; and also whether such vessels are at liberty to put into port between the intervals of the two fisheries, which are called the Shetland and the Yarmouth fisheries, in order to change their nets, and otherwise to prepare for the second fishery: and whereas it is further enacted by the said recited act, That every bus or vessel of the burthen of seventy tons, and designed for the said fishery, shall, on her proceeding to sea, have on board one fleet of fifty nets, each net to be thirty yards full upon the rope, and seven fathoms deep, and so in proportion for any vessels of a greater or lesser tonnage, and be provided with one other fleet of fifty like nets, on board a jagger or tender to attend the said fishery, or left on shore in a proper place for the use of such bus or vessel; which nets have been found by experience to be much too deep for the Yarmouth fishery; therefore for the putting an end to such doubts, and for the further and better regulating the said fisheries, be it enacted and declared;

The society  
intitled to 3 l.  
per cent. in-  
terest on the  
sums employ-  
ed by them.

the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That the said society are, to all intents and purposes, intitled to have and receive the interest of three pounds by the year for each hundred pounds employed in the said fishery; and proportionably for any greater or lesser sum, for such time and term of years, and payable in such manner, as the said society would have been intitled thereto, in case so much money of the said society as would have been sufficient to answer their said contracts respectively, had, at the time of making the same, been in the bank of England; any thing in the said act contained to the contrary thereof in any wise notwithstanding.

The oaths, &c.,  
respect to the  
days appoint-  
ed for the ren-  
dezvous, &c.  
for the socie-  
ty's vessels, to  
be made con-  
formable to  
the calendar  
now in use.

II. And be it further enacted by the authority aforesaid, That from henceforth the oath and oaths by the said act required to be taken, with respect to the said several nominal days thereby appointed, for the rendezvous of the said society's buffes or vessels, and for the commencement and duration of the said fisheries, shall be varied and made conformable to the calendar now in use in these kingdoms; that is to say, That the oath to be made in order to the procuring a licence to proceed on the said fishery, shall import that it is the firm purpose and determined resolution of the persons making such oath, that the bus or vessel applying for licence and authority to proceed on the said fishery, shall proceed manned, furnished and accoutred, in such manner as by the said recited act is required, and not otherwise altered by this present act, either to Brasseys Sound in Shetland, and be at the rendezvous of the said fishery there, on or before the twenty second day of June, and shall not shoot or wet their nets before the twenty fourth day of the said month of June, and shall continue fishing as in the said act is mentioned, and not otherwise altered by this present act, unless prevented by loss of masts or other unavoidable accidents, to the twelfth day of October, or shall proceed to Campbell Town in Argyllshire, and be at the rendezvous of the said fisheries on or before the twelfth day of September, and shall continue fishing, not being prevented as aforesaid, to the eleventh day of January, unless they shall have sooner completed their loading of fish; and that the oath by the said act required to be made by the respective masters of the said buffes or vessels at their return into port for their discharge, with respect to their having conformed to the several days appointed by the said act for the rendezvous of such buffes or vessels, and for the commencement and duration of the said fisheries, may and shall from henceforth be varied and made conformable to the alterations made by this present act in respect of such several nominal days.

The society  
not intitled to  
the bounty of  
30 s. per ton,  
where the ves-  
sel returns  
with fewer

III. And be it further enacted, and it is further enacted and declared by the authority aforesaid, That the said society shall not be intitled to have and receive the bounty of thirty shillings per ton by the said act given or allowed to vessels employed in the said fisheries, in respect of such vessels as shall return into

port at the end of the said fishery with a less number of hands than such vessel is required by the said act to have on board at the rendezvous of the said society's vessels, unless it shall be made appear that such number hath been reduced by death, or that such reduction is occasioned by sickness or desertion, without any default, fraud or collusion on the part of the said society; and also that it shall and may be lawful for the said busses or vessels, between the intervals of the said Shetland and Yarmouth fisheries, to put into any port of Great Britain or Ireland for the purpose of changing nets, and otherwise preparing for such Yarmouth fishery; any thing in the said act contained to the contrary thereof in any wise notwithstanding.

IV. And it is further enacted and declared by the authority Second fleet aforesaid, That it shall and may be lawful for the said second of nets made fleet of nets by the said act required to be on board a jagger or tender, or to be left on shore for the use of the said fishery as aforesaid, to be of any depth not under five fathoms; and that the certificate and oath by the said recited act required to be made and taken, touching the depth of the fishing nets to be used in the said fishery, may and shall be varied and made conformable to the alterations by this present act permitted to be made in respect to the depth of such second fleet of nets; any thing in the said act contained to the contrary thereof in any wise notwithstanding.

V. And whereas by an act made in the fifth year of the reign of his late majesty King George the First, (intituled, An act for re-<sup>5Geo. 1. c. 12.</sup> covering the credit of the British fishery in foreign parts, and for better securing the duties on salt) after directing that all foreign or British salt to be used in the curing of fish for exportation shall, on being landed, and during the intervals of the fishing seasons, be lodged in a warehouse under the lock and key of an officer for the duties on salt, as well as of the proprietor of such salt, it is enacted, That such officers shall, on such proprietors complying with certain conditions in the said act mentioned, deliver into the sole custody of such proprietor, or his agent, all the said salt for the curing of fish taken during the said fishing season; and that at the end of every fishing season such officer shall take a particular account of the quantities of foreign and British salt respectively remaining in hand, which is to be immediately locked up in such joint custody as aforesaid; and the proprietors of such salt, or their agents, using such salt as aforesaid, are by the said act directed, as soon as possible after the end of every fishing season, to deliver an account in writing into the office for the duty on salt in the said act mentioned, containing the quantity of fish exported, or entered and shipped to be exported, on which the said salt is taken away after its delivery into the sole custody of such proprietors, or their agents, hath been used or consumed, together with certificates by the proper officers of the several ports where the said fish were shipped for exportation, verifying the said account; and by the said act a penalty of twenty shillings is laid on such proprietors of salt, or their agents, for every bushel of salt so taken out, which shall not be accounted for in the manner therin before, or otherwise, as in the said act man-

tioned, or which ſhall not be returned, or found remaining at the end of every fishing ſeafon in the cellars or warehouses, as in the ſaid act mentioned; and by another aꝝ made in the eighth year of the rei[n]g of his ſaid late Maſteſy, (intituled, An act for taking off the duty upon all ſalt uſed in the curing red herrings, and laying a proportionable duty upon all red herrings consumed at home only: and for ascertaining the cuſtoms and excife payable for the ſugar houses in Scotalnd; and for making an allowance for ſalt lost in any harbour or river of this realm; and for the better ſecuring the duties on ſalt delivered in Scotalnd) a penaltie of ten ſhillings per buſhel is laid upon all perſons who ſhall have received into their ſole cuſtody any quantity of foreign or British ſalt, duty free, for curing of fish for foreign markets, that shall not deliver to the proper officers yearly, within three months after the expiration of each reſpective year, ſuch accounts of the ſalt received as aforeraid, and of the ſame therewith and exported, as the ſaid act of the fifth of his ſaid late Maſteſy direc[t]s, together with ſuch certificate as aforeraid, verifying the ſaid account: and by another aꝝ made in the eighth year of the reign of his preſent Maſteſy, (intituled, An act for granting and continuing the duties upo[n] ſalt, and upon red and white herrings, for the further term of four years; and for giving further time for the payment of duties emittēd to be paid for the indentures and contracts of clerks and apprentices) after reciting the ſaid two ſeveral acts of the fifth and eighth years of the reign of his ſaid late Maſteſy, it is amongſt other thiſes, ordered, That after the twenty fourth day of June one thousand ſeven hundred and thirty five, no foreign ſalt ſhall be delivered over from ju[n]k joint cuſtody into ſuch ſole cuſtody as aforeraid, for curing fish for exp[or]tation, except ſuch proprietor, or his agent, do give ſecurity as in the ſaid act direc[t]ed, to account for ſuch foreign ſalt in the terms of, and according to the true intent and meaning of the ſaid acts of the fifth and eighth years of the reign of his ſaid late Maſteſy, or to answer the ſeveral penalties in the ſaid acts direc[t]ed to be recovered from the proprietors offending againſt the ſaid acts, or either of them: and whereas the ſociety of the free British fishery have uſed great quanti[ty]es of foreign ſalt in the curing of white herring, great part of which hath been exported, or ſent to and ſold at foreign markets; and the ſaid ſociety, as proprietors of ſuch ſalt, or their agents, have, from time to time, on delivering over ſuch ſalt from ſuch joint cuſtody as aforeraid, into the ſole cuſtody of ſuch agents, give ſuch ſecurity as by the ſaid act of the eighth year of his preſent Maſteſy is direc[t]ed, touching the accounting for ſuch foreign ſalt; but in regard that a conſiderable part of ſuch fish hath been ſhipped off immediately from ſea, from on board the reſpective veſſels employed in taking and curing the ſame, without being first brought into port, in order to ſecure a better ſale at foreign markets, before the arrival of the like commodities from other nations, the ſaid ſociety, or their agents, have not been able fully to comply with the direc[t]ives of the ſaid acts, touching the accounting for ſuch part of the ſaid ſalt, as hath been employed in the curing of ſuch part of the ſaid fish, as hath been ſo ſent away to foreign markets immediately from ſea, there being no proвиſion in the preſent

~~sent laws how, and in what manner, and by whom, the shipping of such fish immediately from sea for foreign markets shall be verified, whereby the said society, or their agents, who have given such security as aforesaid, are or will become liable to be sued on their several securities aforesaid, for the several penalties inflicted by the said acts of the fifth and eighth years of his said late Majesty; and the said society will in the further prosecution of the said fishery, be exposed to the same difficulty unto, ~~from~~ ~~surely~~ be provided in respect thereof:~~

be it therefore enacted and declared, and it is hereby enacted and declared by the authority aforesaid, That the quantity of such white herrings as have already been sent, or which hereafter shall be sent, by the said society, or their agents, to foreign markets immediately from sea, without being first brought into port, shall be ascertained and made appear by the oath of the society's superintendent of the said fishery, to be made before one or more of his Majesty's justices of the peace, or an officer for the dues on salt, who are hereby empowered and required to administer the same; and a certificate or certificates under the hands of the secretary and accomptant of the said society, purporting, that it appears by letters or accounts from the correspondents or agents of the said society, to whom such fish mentioned in such affidavit were consigned, that such fish have come to the hands of such correspondents or agents, or otherwise that such fish have been lost at sea.

VI. And it is hereby further enacted and declared by the authority aforesaid, That such affidavit and certificates shall be admitted and taken to all intents and purposes, as evidence to verify the quantity of such fish so already sent, or hereafter to be sent away immediately from sea as aforesaid; any thing in the said recited acts, or either of them, contained to the contrary thereof in any wise notwithstanding.

VII. And whereas the place appointed by the said act for the rendezvous of the vessels employed in the said fisheries, on the first day of September has been in many cases very inconvenient; be it therefore enacted by the authority aforesaid, That all vessels built and fitted out in the manner required by the said act, which shall rendezvous at Kirkwall in the Orkney islands on or before the twelfth day of September, and shall continue to be employed in fishing among the shoals of herrings, as they move, to the eleventh day of January, unless the loading of such vessels be sooner compleated, shall (in case all the other regulations and conditions prescribed by the said act be observed and performed with respect to such vessels) be intitled to the bounties granted by the said act, in the same manner as if such vessels had rendezvoused at Campbell Town, in like manner, and at the time required by the said act.

VIII. Provided always, That no fishing vessel employed in the white herring fishery, shall be obliged to carry to the latter fishing more than one fleet of nets; any thing in the said act to the contrary in any wise notwithstanding.

The quantity  
of white her-  
rings sent to  
foreign mar-  
kets, without  
being first  
brought in

certained by  
the oath of  
the society's  
superintend-  
ant, and the  
certificate of  
their secretary  
and accompa-  
ntant.

Such affidavit  
and certificate  
to be admit-  
ted.

Vessels which  
shall rendez-  
vous at Kirk-  
wall, intitled  
to the boun-  
ties.

No vessel obli-  
ged to carry  
to the latter  
fishing more  
than one fleet  
of nets.

## C A P. X.

*An act for enlarging the time and continuing the duties granted by several acts of parliament for repairs of the piers of Bridlington, alias Burlington, in the county of York; and for making the said acts more effectual.*

2 & 9 W. 3.  
c. 29.

WHEREAS by an act of parliament made and passed in the eighth and ninth years of the reign of his late majesty King William the Third, intituled, An act for the repair of the piers of Bridlington, alias Burlington, in the east riding of the county of York, it was among other things, enacted, That from and after the first day of May one thousand six hundred and ninety seven, and before and until the first day of May one thousand seven hundred and four, the duties therein mentioned should be paid for the rebuilding, repairing and amending the said piers; to wit, one farthing for every chaldron of coals, that during the said term should be laden on board any ship, hoy, bark or other vessel, at or in the port of Newcastle upon Tyme, or at Sunderland, Blythe, Seaton-Sluice, Culler-Coats, or any other port, harbour, colliery, or place that was or was reputed to be a member of the port of Newcastle; and to be paid to such persons and in such manner as by the said act is directed. And by another act made and passed in the first year of the reign of his late majesty King George the First, referring to the said former act, all the duties thereby granted and made payable, and every clause, matter and thing therein contained were revived and enacted, and directed to be continued and paid for fourteen years, from the twenty fourth day of June one thousand seven hundred and sixteen, until the twenty fourth day of June one thousand seven hundred and thirty: and whereas by one other act made in the fifth year of the reign of his

Geo. 1. c. 49.

said late majesty King George the First, intituled, An act for enlarging the time granted by two acts of parliament for repairs of the piers of Bridlington, alias Burlington; and for making the said acts more effectual; it is thereby (amongst other things) enacted, That the said act passed in the eighth and ninth years of the reign of his said late majesty King William the Third, with all the powers thereby given, for charging, raising, levying, collecting and disposing of any sum or sums of money, for or towards repairing or rebuilding the said piers of Bridlington, alias Burlington, should from and after the twenty fourth day of June one thousand seven hundred and thirty, continue and be in full force, for and during the term of twenty five years; and that from and after the twenty fourth day of June one thousand seven hundred and nineteen, for the term of thirty six years, the several additional rates and duties therein mentioned, (over and besides the duty and duties granted and continued as aforesaid, or payable before the passing of the same act) should be raised, levied, collected and paid, for repairing and lengthening the said piers as and in manner therein expressed. And whereas by another act made and passed in the seventh year of the reign of his said late majesty King George the First, intituled, An act for the better preserving and keeping in repair the piers of the town and port of

Geo. 1. c. 16.

Whitby

*Whitby in the county of York; and for explaining and making more effectual the several acts passed for lengthening and repairing the piers of Bridlington, alias Burlington, in the said county; it is amongt other things enacted, That the collector and collectors, or any of them, appointed for the collecting and receiving of the said duties, in the said act of the fifth year of the reign of his said late majesty King George the First, imposed and made payable at the said port of Bridlington, alias Burlington, were thereby empowered to go on board any ship or vessel within the said port of Bridlington, alias Burlington; and take account of, and demand and receive the said duties, and for nonpayment to distrain for the same in manner therein mentioned; and that the trustees appointed for putting in execution the said recited acts, or any five or more of them, were thereby empowered to appoint such person as they shall think fit, with such annual salary out of the said duty as they shall think fit, not exceeding ten pounds a year, for the better governing and managing the port or harbour of Bridlington, otherwise Burlington, in such manner as in the said act is mentioned and directed: and whereas, although the money arising from the duties granted by virtue of the said recited acts, and also other considerable sums of money, raised by a tax upon the lands within the manor of Bridlington aforesaid, have from time to time been laid out and applied in the repairing, rebuilding and enlarging the said piers of Bridlington, alias Burlington aforesaid, yet the same has not been sufficient to support, maintain and keep the same in good order and repair; and by means of several violent storms, the same is become in a decaying and ruinous condition, and in imminent danger of being lost and destroyed, and there is now a considerable debt due and owing upon the credit of the said acts; and as the terms for which the said duties were granted by the former acts, will expire on the twenty fourth day of June one thousand seven hundred and fifty five, and it is impossible that the said piers can be effectually repaired and maintained, unless the said duties be continued for a further term of years by authority of parliament; to the end therefore that the said piers, and the port and harbour of Bridlington aforesaid, which has been of great service to navigation, and of great use and benefit to the publick, may be maintained, supported and preserved: may it please your Majesty, that it may be enacted, &c.*

The acts 8 & 9 W. 3. c. 29. and 5 & 7 Geo. 1. continued for 35 years, from 24 June 1755, &c. New trustees to be elected in the room of such as shall die, or refuse to act. Trustees impowered to set up a crane on the key of the harbour, and to remove any soil, &c. to make the passage to the harbour commodious. Vessels belonging to Great Yarmouth excepted from the duties.

#### C A P. XI.

*An act for permitting the exportation of wool, and woollen or bay yarn, from any port in Ireland to any port in Great Britain.*

*WHEREAS the permitting of wool, and woollen or bay yarn, to be exported only from certain ports in Ireland to certain ports in England, is not of so great and extensive advantage to the trade,*

Wool, and  
woollen or bay  
yarn, may be  
exported from  
any port in  
Ireland into  
any port of  
Great Britain;

under the re-  
strictions en-  
acted.

*trade of this kingdom, as it would be if all the ports in Great Britain and Ireland were opened for that purpose; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That from and after the fifth day of August the year of our Lord one thousand seven hundred and fifty-three, it shall and may be lawful for any person or persons to export from any port in Ireland, any wool, or woollen or bay yarn, wool-fells, shortlings, mortlings, wool-flocks and worsted yarn, to any port in Great Britain; any act or acts of parliament to the contrary notwithstanding.*

II. Provided always, and be it enacted by the authority aforesaid, That all such exportations and importations of wool, and woollen or bay yarn, wool-fells, shortlings, mortlings, wool-flocks and worsted yarn, from any port in Ireland into any port in Great Britain, shall be made under the same restrictions and regulations, and in the same manner in all respects, as wool or woollen yarn is now by law permitted to be exported from Dublin, Waterford, Youghal, Kinsale, Cork, Drogheda, New Ross, Newry, Wexford, Wicklow, Sligo, Limerick, Galway and Dardalk, and imported into the several ports of Biddeford, Barnstaple, Minehead, Bridgewater, Bristol, Milford Haven, Chester, Liverpool, Lancaster and Great Yarmouth, or any of them.

### C A P. XII.

*An act to prevent wines imported into any of the out-ports  
of this kingdom, being afterwards brought into the port  
of London, or parts adjacent, without paying the Lon-  
don duty.*

WHEREAS the duties payable by law on wines imported from foreign parts into any of the out-ports of this kingdom, are less than the duties payable on wine imported into the port of London: and whereas such wines as are landed in any of the out-ports, for which duties are paid there, and which are afterwards brought to the port of London by certificate, are by law liable to the payment of so much more subsidy as is short of the duty due in the port of London: and whereas great quantities of wine have of late been brought into London and places thereunto adjacent, by land carriage, without payment of the difference of the said respective duties; and in many cases wine is so brought into London without payment of any duties, to the great prejudice of the publick revenue, and the detriment of the fair merchants of this kingdom; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That from and after the twenty-ninth day of September one thousand seven hundred and fifty-three, no wine of any sort exceeding the quantity of ten gallons, which at any time shall have been imported from foreign parts into any out-port of this kingdom,

No wine ex-  
ceeding 10  
gallons, im-  
ported into  
the out-ports,

kingdom, shall be brought, removed or carried from such out-port, or from any other port or place whatsoever, either by land or by water, into the port of London, or the members thereof, or to any place whatsoever within the distance of twenty miles from the Royal Exchange of London, before the owner or proprietor of such wine shall have paid unto the collector, or other proper officer of the customs nearest to the place from whence such wine is intended to be removed, the duties payable in any of the out-ports, and also the difference of the respective duties payable there and in the port of London, on the importation of such wine; and if any quantity of wine exceeding three dozen bottles, or in a cask or casks exceeding ten gallons, shall at one and the same time, and in one and the same carriage, be brought, removed or carried, either by land or by water, into the port of London or the members thereof, or to any place whatsoever within twenty miles of the said Royal Exchange, without a certificate from such collector or other proper officer of his Majesty's customs, expressing the quantity and quality of such wine, and certifying, that as well the duties payable upon the first importation of such wine at any of the out-ports, as the difference between the said duties, and those which are due in the port of London, on the importation of such wine, have been duly paid and satisfied, or that the same was wine sold for salvage, or that the same has been compounded for or condemned, such wine shall be forfeited and lost, together with the casks and vessels containing the same, and shall and may be seized by any officer or officers of the customs, and prosecuted in such manner as any uncustomed wines may be seized and prosecuted.

II. Provided always, and be it enacted by the authority aforesaid, That if after the removal of any such wines, and after payment of the duties payable thereon in any of the out-ports, and also of the difference of the respective duties payable there on the importation of such wines, and before the same shall be brought into the port of London, or the members thereof, or to any place whatsoever within the distance of twenty miles from the Royal Exchange of London, such wine shall happen to be staved, or to be lost, or perish, the commissioners of his Majesty's customs, or any three of them, shall, (proof being made upon oath to their satisfaction, that such wines have been so staved, or have been lost or perished as aforesaid) cause repayment to be made to the owner or proprietor of such wine, of so much money as the difference of the duties payable for such wines in any out-port, and in the port of London shall amount to, such repayment to be made out of any of the duties or customs payable on wines imported.

## C A P. XIII.

*An act for the more effectually preventing the fraudulent removal of tobacco by land or water, and for the ease of the fair trader in tobacco; and for ascertaining the rates payable for the portage of certain letters; and for amending and explaining the laws relating to the sale of spirituous liquors by retail.*

WHEREAS the several provisions for preventing the fraudulent removal of tobacco by land or water, contained in an act made in the twenty fourth year of his present Majesty's reign, intituled, An act for the more effectual ſecuring the duties upon tobacco, have commencement from the twenty ninth day of September one thousand seven hundred and fifty one: notwithstanding which provisions, ſuch tobacco as was imported before that time, hath been or may be removed by land or water, otherwife than by the ſaid act is directed, inasmuch as the ſame having been imported before that time, cannot be ſubjeſt to the regulations prescribed by the ſaid act: and whereas the continuance of this liberty may encourage the importers or poſſeffors of uncuſtomed tobacco, to pretend that the ſame was imported before the ſaid twenty ninth day of Septembre one thouſand seven hundred and fifty one, and under that pretence, tobacco imported ſince that time, and tobacco stalks ſtripped, and ſnuff manufactured therefrom, may be removed otherwife than by the ſaid act is directed, to the great prejudice both of the publick revenue and of the fair trader: and whereas it may reasonably be ſuppoſed, that all ſuch tobacco as was imported and was ſtock in hand before that time, hath been or might have been ſince diſpoſed of: now, for preventing frauds equally injurious to the publick revenue and the fair trader; be it enacted by the King's moſt exceilent majesty, by and with the advice and conſent of the lords spiritual and temporal and commons in this preſent parliament assembled, and by the authority of the ſame, That from and after the firſt day of June one thouſand seven hundred and fifty three, no tobacco imported into Great Britain before the mid twenty ninth day of September one thouſand seven hundred and fifty one, and no tobacco stalks ſtripped, or ſnuff manufacured from tobacco ſo imported, shall be permitted to be removed by land or water, upon pain that all ſuch tobacco, tobacco stalks or ſnuff, ſo removed, shall be forfeited, and ſhall and may be ſeized and prosecuted, and after condeſnation burnt and deſtrayed by ſuch persons, and in ſuch manner and form, and with ſuch rewards for ſeizing the ſame, as by the ſaid act is directed in relation to any tobacco, tobacco stalks or ſnuff, on the removal whereof certificates are by the ſaid act required.

No tobacco imported before 29 Sept. 1751, nor tobacco stalks ſtripped, or ſnuff, to be removed by land or water, on penalty of for- feiture, &c.

Tobacco, &c. removed in greater qua- ntitieſ than the ſaid act allows,

II. And be it further enacted by the authority aforesaid, That it ſhall and may be lawful to and for any officer of the customs or excise to ſeize and prosecute any tobacco, tobacco stalks or ſnuff which ſhall be removed from one place to another in great-

er quantities than by the said act are allowed, and shall not be without a certificate, may attended with such certificates as by the said act are required; and the proof that such tobacco, tobacco stalks or snuff had before been removed from the port of importation with a proper certificate, and that the duties payable thereon had been paid or secured, shall be upon the claimer or claimers of the tobacco, tobacco stalks and snuff so seized, and not upon the officer or officers so seizing and prosecuting the same.

III. Provided always, That nothing in this or in the said act contained, shall extend to prohibit the exportation to parts beyond the seas of any tobacco which hath been imported before the twenty ninth day of September one thousand seven hundred and fifty one, and shall be exported at any time before the twenty ninth day of September one thousand seven hundred and fifty four, from any port where the same shall be on the first day of June one thousand seven hundred and fifty three.

IV. Provided also, That if on the back of any certificate to the inn from be granted by virtue of the said act for removing or carrying whence any tobacco, tobacco stalks or snuff by land, the inn from whence tobacco may be carried, to the same shall be carried shall be described, such certificate shall be inserted in be as effectual to all intents and purposes as if the name of the steed of the person by whom the same shall be carried or conveyed were inserted thereon; any thing in the said act to the contrary thereof in any wise notwithstanding.

V. Provided also, That every certificate to be granted by virtue of the said act, for removing or conveying tobacco, tobacco stalks or snuff, to be carried by land or by water from one port or place to another, shall be and be deemed a proper certificate for that purpose, although in such certificate the name or names of the person or persons by whom the said tobacco was imported, or by whom the duties payable thereon were paid or secured, be not inserted therein, so as every other requisite directed by the said act, in case of such removal, be observed, and the name or names of the importers or importers of such tobacco be retained and expressed in the bill or bills from which such certificates are, in the accustomed manner, prepared; such bill or bills to be delivered to the collector or other chief officer or officers of the port where the said tobacco shall have been imported; any thing in the said act to the contrary thereof in any wise notwithstanding.

VI. Provided also, That the second purchaser of any entire hogshead of unmanufactured tobacco shall and may be intitled to the benefit of a certificate, on the removal of any such tobacco, or of any stalks stripped, or any snuff or manufactured tobacco made therefrom, by land or by water, in like manner as certificates by the said act are directed to be granted to the first purchaser from the importers; and that in all such certificates so to be granted to such second purchaser of any entire hogshead or hogsheads of such tobacco, the name of the importers or importers, seller or sellers thereof, may be omitted, provided that the seller to such second purchaser shall have delivered to the

the collector or other chief officer of the port where such tobacco shall have been imported, such and the like account as the importer or importers thereof are by the said act required to give.

9 Ann. c. 10.

VII. And whereas by an act made in the ninth year of the reign of her late majesty Queen Anne, intituled, An act for establishing a general post office for all her Majesty's dominions, and for settling a weekly sum out of the revenues thereof for the service of the war, and other her Majesty's occasions; the post master general and his deputy and ~~deputies~~ is and are authorized to demand, have, receive and take for the portage and conveyance of every single letter or piece of paper sent to and from the general post office in London, to and from any parts or places in Great Britain, or the kingdom of Ireland, certain rates in the said act mentioned: and whereas as ~~one~~ more writ or writs or other proceedings at law are frequently sent inclosed in a letter, or wrote upon one and the same piece of paper with a letter; be it declared and enacted by the authority aforesaid, That every such writ and every such proceeding at law shall be rated, taxed and paid for as a several and distinct letter, according to the rates mentioned in the said act.

Every writ,  
&c. to pay as  
a distinct letter.

Letters inclo-  
sing several  
patterns not  
exceeding 1  
ounce weight;  
to pay only as  
a double let-  
ter.

VIII. And whereas patterns of cloth, silk, stuff, and small samples of other sorts of goods and other things, not being paper, are frequently sent inclosed in a single letter or piece of paper; be it declared and enacted by the authority aforesaid, That for every single letter or cover containing one or more paper or papers with patterns, or containing one or more pattern or patterns of cloth, silk or stuff, or one or more sample or samples of any other sort of goods, or one or more piece or pieces of any other sort or thing inclosed therein or affixed thereto, though not paper, if the same together do not weigh an ounce weight, the rates payable by the said act for a double letter shall be paid, and no more.

16 Geo. 2. c. 8.

IX. And whereas by an act made in the sixteenth year of his present Majesty's reign, intituled, An act for repealing certain duties on spirituous liquors, and on licences for retailing the same, and for laying other duties on spirituous liquors, and on licences to retail the said liquors; it is enacted, That no licence shall be granted to any person or persons whatsoever for selling by retail any spirituous liquors or strong waters whatsoever, except to such persons only who shall keep taverns, victualling houses, inns, coffee-houses, or ale-houses, and that if any such licences shall be granted to any other persons, the same are hereby declared void to all intents and purposes; and it is thereby also enacted, That if any person or persons shall presume or offer to retail any of the said spirituous liquors without taking out such licence as is therein mentioned, and renewing the same yearly, in manner therein mentioned, he, she or they, shall respectively forfeit and lose the sum of ten pounds for each offence; and in case such person or persons shall refuse or neglect to pay the said sum of ten pounds, the same being lawfully demanded, it shall and may be lawful for any one or more justices of the peace of any county, riding, division, city or liberty, upon information upon oath

1753.]

## Anno vicefimo sexto GEORGII II. C. 13.

31

~~oath being made before him or them of such refusal or neglect, by warrant under his or their hand and seal, or hands and seals, to commit such person or persons to the house of correction for the county, riding, division, city or liberty, wherein such person or persons shall reside, where to remain and to be kept to hard labour for the space of two months to be reckoned from the day of the said commitment; and the person or persons shall not be discharged until he, she, or they, shall have paid the said sum of ten pounds, or until the full expiration of the said two months; and that nothing in the said act shall extend or be construed to enable any person or persons to sell any spirituous liquors or strong waters by retail, unless such person or persons be first licensed to sell ale by two or more of his Majesty's justices of the peace for the county, riding, division, city or liberty wherein such person or persons shall sell the said liquors, under the hands and seals of the said justices;~~

~~and whereas by one other act made in the seventeenth year of his Majesty's reign, (intituled, An act for granting to his Majesty the surplus or remainder of the monies arisen or to arise by the duties on spirituous liquors, granted by an act of the last session of parliament, and for explaining and amending the said act in relation to the retailers of such liquors, and for establishing an agreement with the united company of merchants of England trading to the East-Indies) it is enacted, That in case where a licence shall have been granted for retailing spirituous liquors to any person who shall at the time of granting such licence keep a tavern, victualling-house, inn, coffee-house or ale-house, if such person so licensed shall afterwards during the time of continuing such licence exercise the trade of a distiller, grocer or chandler, or keep a brandy shop or shops for sale of spirituous liquors, the licence granted in every such case shall be void; and such persons retailing spirituous liquors afterwards shall forfeit ten pounds for every such offence, notwithstanding such licence so obtained; and that no licence for retailing spirituous liquors shall authorize any person to whom the same may be granted to sell such spirituous liquors in any other place except in such houses or places thereunto belonging wherein he, she or they shall inhabit and dwell at the time of granting such licence, which penalties by virtue of the said act made in the seventeenth year of his present Majesty's reign may be mitigated by such ways, means and methods, as any penalty or forfeiture may be mitigated by any law or laws of execise; and whereas in and by a clause in an act of parliament made in the twenty fourth year of his present Majesty's reign, (intituled, An act for granting to his Majesty an additional duty upon spirituous liquors, and upon licences for retailing the same; and for repealing the act of the twentieth year of his present Majesty's reign, intituled, An act for granting a duty to his Majesty to be paid by distillers, upon licences to be taken out by them for retailing spirituous liquors, and for the more effectually restraining the retailing of distilled spirituous liquors; and for allowing a drawback upon the exportation of British made spirits; and that the parish of Saint Mary le Bon in the county of Middlesex shall be under the inspection of the head office of execise) reciting, That it may be doubted whether the said penalty of ten pounds~~

17Geo.2. c.17.

24Geo.2. c.40.

can be recovered within the limits of the head office of excife in London before a justice or justices of the peace; it is thereby declared and enacted, That the ſaid penalty may be recovered, and any perſon retailing ſpirituouſ liquors without a licence within the limits of the ſaid head office, may be convicted before any justice of the peace for the city, county or liberty, where the offence ſhall be committed, as well as before the commissioners of excife; and that ſuch penality ſhall not in any caſe, either by the ſaid commissioners or justice of the peace, be mitigated or reduced below the ſum of five pounds: and whereas, notwithstanding the laſt recited claue, it may be doubted whether the justices of the peace ſitting in the ſeveral places which are not within the limits of or under the immediate care, inspection and management of the ſaid head office of excife, may not mitigate or reduce the ſaid penaltieſ of ten pounds below the ſum of five pounds: now to obviate ſuch doubt, it is enacted and declared by the authority aforesaid, That the ſaid penaltieſ of ten pounds ſhall not in any caſe be mitigated or reduced below the ſum of five pounds, either by the commissioners of excife, or the justices of peace, whether ſuch justices act within or without the limits of the ſaid head office of excife.

The penaltieſ of 10l. inflicted by the re-  
cited acts, not to be mitigationed below 5l.

24 Geo. 2. c. 40.

X. And whereas by one other claue in the ſaid act of parliament, made in the twenty fourth year of his preſent Maieſty's reign, it is enacted, That no licence for the ſelling by retail of ſpirituouſ liquors, ſhall be granted within the limits of the head office of excife in London, but to ſuch as ſhall occupy a tenement or tenements of the yearly value of ten pounds or upwards, and for which they ſhall accordingly be rated, and pay in the parish rates; and that no licence ſhall be of any avail to any perſon not ſo qualified, or for any longer time than the perſon ſo licensed shall be qualified as aforesaid, but ſhall be abſolutely void: and whereas it is the true intent and meaning of the ſaid claue, that no licence for retailing ſpirituouſ liquors be granted within the limits of the head office of excife in London, to any perſon but to ſuch as are ſufficient and of ability to occupy a tenement or tenements of the yearly value of ten pounds or upwards; and ſuch rate and payment to the church and poor, is intended only as an additional proof of ſuch ſufficiency: and whereſ within the limits of the head office of excife in London, there are ſeveral perſons who keep taverns, vietualling-houſes, inns, coffee-houſes or ale-houſes, for which they pay conſiderably more than ten pounds a year, but ſuch perſons are not rated, and do not pay, according to the church and poor for the ſame, ſuch taverns, vietualling-houſes, inns, coffee-houſes and ale-houſes, being ſituate in places where occupiers of houses or tenements are not rated or rateable to the church and poor; be it enacted by the authority aforesaid, That from and after the twenty fourth day of June one thousand seven hundred and fifty three, it ſhall and may be lawfull to and for his Maieſty's commissioners of excife, and their officers reſpectively, within the limits of the ſaid head office of excife in London, to grant and deliver licences for the retailing of ſpirituouſ liquors, purſuant to the direcions of the ſaid ſeveral acts of parliament made in the sixteenth and twenty fourth years of his preſent Maieſty's reign, or either of them.

Commissioners, &c. within the limits of their head office may grant licences to persons renting houses of 12 l. per annum, tho' not

them, to any person or persons within the limits of the said rated to the head office of excise in *London*, applying for such licence or li- poor. cences, who shall at the time of his, her or their application for the same, in any tenement situate in any place where the occupiers of houses or tenements are not rated or rateable to the church and poor, keep a tavern, victualling-house, inn, coffee-house or ale-house, for which he, she or they respectively shall, to the satisfaction of the said commissioners of excise, make it appear that he, she or they, do really and *bona fide* pay the full yearly rent or sum of twelve pounds or upwards, without any deduction or abatement whatsoever, although the person or persons so applying for such licence or licences be not actually rated, and do not pay to the church and poor for the same accordingly.

XI. Provided always, and it is hereby enacted and declared, Persons so licensed, to be subject to the laws in force, That every person to be licensed for the retailing of spirituous liquors, pursuant to this act, shall be subject to all other provisions of the several laws now in force, in any wise relating to the retailing of spirituous liquors, or to the licensing the retailers thereof, and on breach of the said provisions, or any of them, shall be subject and liable to the like penalties, forfeitures and punishments, in the same manner as other retailers of spirituous liquors now are; and all and every person and persons authorized to put the said laws in execution against the offenders acting contrary to them, or any of them, are hereby authorized and required to put the said laws and each of them in execution, against every person to be licensed as aforesaid who shall offend against the said laws, or any of them.

XII. And whereas in and by one other clause in the said act of 24Geo.2.c 40. parliament made in the twenty fourth year of his Majesty's reign, it is enacted, That from and after the first day of July one thousand seven hundred and fifty one, no person whatsoever, being a common brewer of ale or beer, or inn-keeper, distiller, or other seller of or dealer in any kind of spirituous liquors, or who is or are or shall be interested in any of the said trades or businesses, shall during such time as he or they shall be such common brewer, inn-keeper, distiller, or other seller of or dealer in spirituous liquors, or interested in any of the said trades or businesses, be capable or have any power to act, or shall be directly or indirectly concerned in acting as a justice of the peace, in any matter or thing whatsoever which shall any ways concern the execution of the powers or authorities given or granted by any act or acts of parliament in any wise relating to distillers or makers of low wines, spirits or strong waters for sale, or to the duty or duties imposed upon low wines, spirits or strong waters, or any other kind of spirituous liquors whatsoever, or to the granting licences to the retailers of spirituous liquors: and whereas notwithstanding the last recited clause, it is doubted whether common brewers of ale or beer, or inn-keepers, distillers, or other sellers of or dealers in any kind of spirituous liquors, or who are or shall be interested in any of the said trades or businesses, being justices of the peace, may not grant licences to the retailers of beer or ale, which licence is one of the necessary requisites to intitie

*such retailers to apply for a licence to retail spirituous liquors: and whereas it is reasonable that such persons, and also victuallers and malsters, being justices of the peace, should be restrained from granting licences to retail beer and ale; be it declared and enacted by the authority aforesaid, That from and after the said twenty fourth day of June one thousand seven hundred and fifty three, no justice of the peace, being a common brewer of ale or beer, inn-keeper or distiller, or other seller of or dealer in ale or any kind of spirituous liquors, or interested in any of the said trades or businesses, or being a victualler or malster, shall during such time as he shall be such common brewer, inn-keeper, distiller, victualler or malster, or other seller of or dealer in ale or spirituous liquors, or interested in any of the said trades or businesses, be capable or have any power to grant any licence or licences to any person or persons whatsoever, for selling ale, beer, or any other liquors by retail; and in case any such justice or justices shall, contrary to the true intent and meaning hereof, presume to grant any such licence, the same shall be and is hereby declared to be null and void to all intents and purposes whatsoever.*

## C A P. XIV.

*An act for the settling and ascertaining the fees to be taken by clerks to justices of the peace.*

**W**HHEREAS some doubts have arisen touching the fees due to clerks of justices of the peace: and whereas it would tend to the due execution of the laws, and to the ease of the subject, that the fees to be taken by the said clerks should be ascertained; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That the justices of the peace throughout that part of Great Britain called England, at their respective general quarter sessions of the peace, to be held next after the twenty fourth day of June one thousand seven hundred and fifty three, shall, and they are hereby required to make and settle a table of the fees which shall be taken by clerks to justices of the peace within the county, city or other division, for which such respective general quarter-sessions shall be held; and such respective tables of fees, being approved by the justices of the peace at the next succeeding general quarter-sessions of the peace for such county, city or other division, with such alterations as such justices of the peace so assembled shall think proper, shall be laid before the judges at the next assizes, or at the great sessions for the principality of Wales, and counties palatine of Chester, Lancaster and Durham, for the respective county, city or other division; and the said judges are hereby authorized and required to ratify and confirm such respective tables of fees, in such manner and form as the same shall be made, settled and approved of by the said justices, or with such alterations, additions or abatements, as to such judges shall appear to be just and reasonable; and it

*Justices to settle a table of fees to be taken by their clerks;*

*to be ratified by the judges of assize.*

shall and may be lawful for the said justices of peace, in their Justices may  
 respective quarter-sessions assembled, from time to time to make new ta-  
 any other table of fees to be taken, instead of the fees contain-  
 ed in the table which shall have been ratified and confirmed by  
 judges of assize; and after the same shall have been appro-  
 ed by the justices of the peace at the next succeeding general to be ratified  
 quarter-sessions, in manner as aforesaid, to lay such new table in the same  
 of fees before the judges at the next assizes, or at the great ses-  
 sions for the principality of *Wales* and counties palatine of *Chef-  
 ter*, *Lancaster* and *Durham*, who are hereby empowered and au-  
 thorized to approve and ratify the same in manner as aforesaid,  
 if they think fit; but no table of fees to be made and settled by  
 the said respective justices of peace, shall be of any validity or  
 effect whatsoever until the same shall be ratified and confirmed  
 by the said judges.

II. And be it further enacted by the authority aforesaid, That Penalty of 20l.  
 if at any time after the space of three calendar months from the on clerks tak-  
 time that such table of fees shall be made and ratified as afore-  
 said, any clerk or clerks to any justice or justices of the peace,  
 or any person or persons acting as such, shall, under pretence  
 of any matter or thing done, transacted or performed by such  
 justice or justices in the execution of his or their office or offi-  
 ces, or done, transacted or performed by such person or persons  
 as clerk or clerks to such justice or justices, demand or receive  
 any other or greater fee than shall have been ascertained, rati-  
 fied and confirmed in manner as aforesaid, such person shall for  
 every such offence forfeit and pay twenty pounds to any person  
 who shall sue for the same by action of debt, bill, plaint or in-  
 formation, in any of his Majesty's courts of record at *West-  
 minster*, wherein no escoin, privilege, protection, wager of law,  
 or more than one imparlance shall be granted or allowed.

III. And be it further enacted by the authority aforesaid, Tables of the  
 That all the tables of fees which shall be made and settled, and fees to be de-  
 ratified and confirmed from time to time as aforesaid, shall be posted with  
 deposited with the clerk of the peace for the respective county, the clerks of  
 city or other division; and each of the said clerks of the peace the peace,  
 shall cause true and exact written or printed copies of the said and copies  
 tables to be placed and to be kept constantly in a conspicuous placed in the  
 part of the room or place where the general or quarter sessions room where  
 shall be held, under pain of forfeiting the sum of ten pounds the sessions are  
 held, under for each offence, to be recovered by action of debt, bill, plaint penalty of 10l.  
 or information, in any of his Majesty's courts of record at *West-  
 minster*, wherein no escoin, privilege, protection, wager of law,  
 or more than one imparlance shall be granted or allowed.

IV. Provided always, and be it further enacted by the autho- Limitation of  
 rity aforesaid, That all suits and actions which shall be brought actions.  
 or commenced by virtue of this act, shall be brought before  
 the end of three months after the offence committed, and not  
 otherwise.

## C A P. XV.

*An act for allowing interest upon certain debentures for the bounty granted on the exportation of corn.*

1. W. & M. R. I. C. 12. **W**HEREAS by an act made in the first year of the reign of King William and Queen Mary, intituled, An act for the encouraging the exportation of corn, it is enacted, That when malt or barley, Winchester measure, shall be at twenty four shillings per quarter, or under, rye at thirty two shillings per quarter, or under, wheat at forty eight shillings per quarter, or under, in any port of England or Wales, every merchant, or other person, who shall put on shipboard, in such manner as by the said act is directed, any sorts of the corn aforesaid, with intent to export the same to parts beyond the seas, and shall bring a certificate in writing under his hand, containing the quantity and quality of the corn so shipped, to the farmers, commissioners, collectors, or other persons appointed to collect the duties and rates arising by customs within any such port, shall, upon such proof of the said certificate, and upon giving such bond as by the said act is required, have and receive from such farmers, commissioners, collectors, or other persons, in any port respectively where the same corn shall be so shipped, for every quarter of barley or malt, ground or unground, two shillings and six pence; for every quarter of rye, ground or unground, three shillings and six pence; for every quarter of wheat, gound or unground, five shillings; of which sums every such commissioner, farmer or other person, is thereby authorized and required, upon demand by such exporter, to make present payment accordingly: and whereas by a clause in an act made in the same session of parliament, intituled, An act for an additional duty of excise upon beer, ale and other liquors; the benefit and advantage by the said first mentioned act given to the exporters of corn from any port in England or Wales, is also granted in like manner to the exporters of corn from the town and port of Berwick upon Tweed: and whereas by an act made in the fifth year of the reign of Queen Anne, intituled, An act for ease of her Majesty's subjects in relation to the duties upon salt; and for making the like allowances upon the exportation of white herring, flesh, oatmeal, and grain called beer, alias bigg, as are to be made upon the exportation of the like from Scotland; it is, amongst other things, enacted, That for all oatmeal, or grain called beer, alias bigg, which shall be exported from any port of England, Wales, or the town of Berwick upon Tweed, to parts beyond the seas, by any merchant or other person or persons whatsoever, there shall be the like Premium given upon the exportation thereof as is to be given (by the articles of union) upon the exportation of oatmeal or beer from Scotland; by which articles of union it is provided, That seeing by the laws of England there are rewards granted upon the exportation of certain kinds of grain, wherein oats grinded or ungrinded are not expressed, from and after the union, when oats shall be sold at fifteen shillings sterling per quarter, or under, there shall be paid two shillings and six pence sterling for every quarter of the oatmeal.

meal exported in the terms of the law, whereby and so long as rewards are granted for the exportation of other grain, and that the beer of Scotland have the same rewards as barley: and whereas by another <sup>5 Ann. c. 29.</sup> clause in the said act made in the fifth year of the reign of Queen Anne, it is enacted, That every merchant, or other person, exporting malt made of wheat, shall have and receive for every quarter of malt made of wheat, or wheat malt, ground or unground, five shillings, to be paid by the respective persons mentioned in the said act made in the first year of the reign of King William and Queen Mary, intituled, An act for the encouraging the exportation of corn: and whereas by an act made in the third year of the reign of his present Majesty, for better preventing frauds in the malting of corn for exportation, it is enacted, That there shall be paid to the malsters and makers of malt for exportation, for every twenty quarters of barley, or other corn or grain, that shall be entered and made into malt for exportation, an allowance of thirty quarters after the same shall be dried and made into malt, and no more, upon the exportation thereof, according to the said act made in the first year of the reign of King William and Queen Mary, intituled, An act for the encouraging the exportation of corn; and in such cases where by the said act they are intitled to the same; and so in proportion for a greater or lesser quantity; payable in such manner as by the said act made in the third year of his present Majesty's reign is directed: and whereas by a clause in an act made in the twelfth and thirteenth year of the reign of King William the Third, intituled, An act for granting an aid to his Majesty for defraying the expence of his <sup>12 & 13 W. 3.</sup> navy, guards and garrisons, for one year, and for other necessary occasions; it is, amongst other things, enacted, That if the collector of the customs of any port wherein corn shall be exported, shall not have sufficient in his hands to satisfy and pay such sum or sums of money which are or shall be due to any exporter by virtue of the said act made in the first year of the reign of King William and Queen Mary, arising out of the customs and duties out of which it ought to be paid, upon demand, according to the intent of the said act, that then such collector shall give to the person demanding such sum or sums of money, without fee or reward, a certificate under his hand of what is due to such person for the corn exported from such port, certifying to the commissioners of the customs at London, that he hath not monies in his hands sufficient to pay the same; which certificate being annexed to the debenture for the corn so exported, and being produced to his Majesty's commissioners of the customs at London, they the said commissioners are thereby authorized and required, on demand, by the person that shall bring the same, to cause the monies thereby due to be paid in three months by the general receiver or cashier of the customs, out of such monies as shall be in his hand, arising out of such customs or duties in the said port of London as are chargeable with the payment of any money for the exportation of corn, according to the said act, without fee or reward, as in and by the said several acts above recited or mentioned, relation being thereunto respectively had, may more fully appear: and whereas by reason of the great quantity of corn which of late hath been exported, the revenue <sup>appli-</sup>

applicable to the payment of the bounties on the exportation thereof (being charged also with other payments) hath not been sufficient to satisfy and pay all such monies due for corn exported, as by virtue of the said act made in the twelfth and thirteenth year of the reign of King William the Third, are in manner therein mentioned, payable by the said general receiver or cashier of the customs; and divers debentures for such monies so payable do and may for that reason remain unsatisfied: now, for making a reasonable compensation for such delay of payment, and to the end that the owners and tillers of land, and the nation in general, may continue to enjoy the benefit designed by the said bounty on the exportation of corn, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled and by the authority of the same, That if at any time from and after the twenty fifth day of March one thousand seven hundred and fifty three, any debenture for the bounty on corn exported, so payable by the said general receiver or cashier of the customs, shall remain unsatisfied more than six months next following the day when the same shall or may have been produced to the commissioners of the customs at London, according to the directions of the said act made in the twelfth and thirteenth year of the reign of King William the Third, then and in such case, for the forbearance of such money as, after the expiration of the said six months, shall be due on such debenture, interest after the rate of three pounds per centum per annum shall be allowed to the proprietor or proprietors thereof, his, her or their executors, administrators or assigns, such interest to be computed from the end of the said six months until the money due on such debenture, together with such interest, shall be paid, or until money sufficient shall be reserved in the hands of the said general receiver or cashier of the customs for that purpose, and proper notice shall be given thereof.

II. And to the end that proper notice may be given that money sufficient is reserved for that purpose, and that persons to whom any such principal or interest shall be due, may not avail themselves of their neglect to demand the same; be it further enacted by the authority aforesaid, That when money sufficient shall be reserved in the hands of the said general receiver or cashier of the customs, for payment of the principal and interest due on any such debentures, as after the expiration of the said six months shall remain unsatisfied, the said general receiver or cashier shall and may give notice in writing to be affixed on three or more doors of some publick place or places in the custom house London, and to be advertized in the *London Gazette*, that on a certain day to be limited in the said notice, and on the four days next following such day (so as six days at the least intervene between the date of such notice, and the day so limited, and so as Sundays and holidays be not included in the number of such four days) he shall be ready to pay and discharge the principal and interest due on such debentures; after the expiration of which

**Notice to be given when money is in hand to pay off the debentures;**

which five days, if payment of such principal and interest shall after which not be demanded pursuant to the said notice, all interest on such time interest debentures shall cease and determine.

III. Provided always, That the principal monies due on such Principal to be debentures, together with such interest as shall be due thereupon, paid notwithstanding, before the expiration of the time limited in the said notice, shall at any time afterwards upon demand be paid to the proprietor or proprietors of such debentures, his, her or their executors, administrators or assigns.

IV. Provided also, and be it enacted by the authority aforesaid, That if at any time after the day prefixed by order of the said commissioners of the customs, for the payment of any such debentures so produced to them, and before the end of six months next following the day on which the same shall have been produced to them, the said general receiver or cashier of the customs shall have money in his hands sufficient to satisfy the same; and the like notice shall by him be given in manner before mentioned, that he is ready to make payment thereof; and no demand of such payment shall be made within the time limited in such notice, then and in such case, no interest whatsoever shall be allowed on such debentures; any thing in this act to the contrary thereof in any wise notwithstanding.

V. Provided nevertheless, and be it declared and enacted by Principal and the authority aforesaid, That all debentures for corn exported, interest to be payable as is aforesaid by the general receiver or cashier of the customs, according to the intention of the said act made in the twelfth and thirteenth year of the reign of King William the Third, together with the interest thereof, payable by virtue of this act, (if any such interest shall be due) shall be paid by the said general receiver or cashier in course, respect being had to the times when such debentures shall have been produced to the commissioners of the customs, in manner before mentioned, without any other preference of one before another.

VI. And be it further declared and enacted by the authority aforesaid, That when any certificate under the hand of the collector of the customs of any port, affixed to any debenture for corn exported from such port, certifying to the commissioners of the customs at London, that he hath no monies in his hands sufficient to pay what is due for corn so exported, shall be produced to the said commissioners, they shall immediately in such manner as hath been accustomed, cause an indorsement to be made on the back of the said debenture, of the day when the same was so produced; and shall as soon as conveniently may be, sign their order to the said general receiver or cashier for payment thereof, and of such interest as shall grow due thereon by virtue of this act, if the principal shall not be paid before the time when the interest allowed by this act is directed to commence.

VII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said general receiver or cashier of the customs, and he is hereby authorized and re-

Day of presentation to be indorsed on certificate, and an order for the payment and interest to be sign'd.

quired, when he shall make payment of the principal money due on any such debenture, to pay also without fee or reward, the interest which shall be due thereon, by virtue of this act, out of such monies as shall be in his hands, arising out of such customs or duties, as are chargeable with the payment of any money for the exportation of corn; and the monies so paid by him, in obedience to this act, shall be accepted of in his account, as so much money paid to his Majesty, his heirs or successors, and he shall be discharged therefrom accordingly.

Debentures  
assignable.

VIII. And be it further declared and enacted by the authority aforesaid, That every person to whom any money shall be payable for corn exported by virtue of any such debenture, and his or her executors, administrators or assigns, by proper words of assignment to be indorsed upon such debenture, may assign and transfer his or her right and interest therein, to any other; which indorsement shall intitle such assignee or assignees, his, her or their executors, administrators or assigns, to the benefit thereof, and payment thereon; and such assignee or assignees may in like manner assign again, and so toties quoties, at any time before payment thereof shall be made by the said general receiver or cashier of the customs as aforesaid.

IX. And whereas by the sixth article of the treaty of union, it is provided that all parts of the united kingdom for ever, from and after the union, shall have the same allowances, encouragements and drawbacks, and be under the same prohibitions, restrictions and regulations of trade, and liable to the same customs and duties on import and export; and that the allowances, encouragements and drawbacks, prohibitions, restrictions and regulations of trade, and the customs and duties on import and export settled in England, when the union commences, shall from and after the union, take place throughout the whole united kingdom; be it therefore enacted by the authority aforesaid,

Where there is not money in hand to pay day of March one thousand seven hundred and fifty three, the bounty on collector of the customs at any port in that of Great Britain called Scotland, from which corn shall be exported, shall not have sufficient in his hand to satisfy and pay such sum or sums of money, which are or shall be due to any exporter, by virtue of the laws now in being, arising out of the customs and duties, out of which it ought to be paid, that then such collector shall give to the person demanding such sum or sums of money, without fee or reward, a certificate under his hand, of what is due to such person for the corn exported from such port, certifying to the commissioners of the customs at Edinburgh, that he hath not monies in his hand sufficient to pay the same; which certificate being annexed to the debenture for the corn so exported, and being produced to the commissioners of the customs at Edinburgh, they the said commissioners are hereby authorized and required, on demand by the person that shall bring the same, to cause the monies thereby due, to be paid in three months, by the general receiver or cashier of the customs in Scotland, out of such monies as shall be in his hand, arising out of such customs or duties as

and the deben-  
ture to be paid  
by the receiv-  
er general in  
3 months.

are

are chargeable with the payment of any money for the exportation of corn, without fee or reward.

X. And be it further enacted by the authority aforesaid, That if at any time from and after the twenty fifth day of March one thousand seven hundred and fifty three, any debenture for the bounty on corn exported, so payable by the said general receiver or cashier of the customs in Scotland, shall remain unsatisfied more than six months next following the day when the same shall or may have been produced to the commissioners of the customs at Edinburgh as aforesaid, then and in such case for the forbearance or delay of payment of such money, as after the expiration of the said six months shall be due on such debenture, interest after the rate of three pounds *per centum per annum* shall be allowed to the proprietor or proprietors thereof, his, her or their executors, administrators or assigns, such interest to be computed from the end of the said six months, until the money due on such debenture, together with such interest, shall be paid, or until money sufficient shall be reserved in the hand of the said general receiver or cashier of the customs in Scotland for that purpose; and like notice shall be given there- of in writing, to be affixed on one or more doors of some publick place or places in the custom-house at Edinburgh, and to be advertised in the Edinburgh Currant, that the said general receiver or cashier is ready to pay and discharge the principal and interest due on such debentures; after the expiration of which time limited in such notice, if payment of such principal and interest shall not be demanded, pursuant to the said notice, all interest on such debentures shall cease and determine.

XI. Provided also, That if at any time after the day prefixed by the order of the said commissioners of the customs at Edinburgh, for the payment of any such debenture so produced to them, and before the end of six months next following the day on which the same shall have been so produced to them, the said general receiver or cashier of the customs in Scotland shall have money in his hand sufficient to satisfy the same, and the like notice shall by him be given in manner before-mentioned, that he is ready to make payment thereof, and no demand of such payment shall be made within the time limited for such notice, then and in such case no interest whatsoever shall be allowed on such debentures.

XII. Provided also, That all debentures for corn exported, payable as aforesaid by the general receiver or cashier of the customs in Scotland, together with the interest thereof, by virtue of this act (if any such interest shall be due) shall be paid by the said general receiver or cashier in course, respect being had to the times when such debentures shall have been produced to the commissioners of the customs at Edinburgh as aforesaid, without any other preference of one before another, according to the indorsement to be made on the back of the said debenture of the day when the same was so produced; and every such debenture shall be payable to the person therein named, or to his or her

Anno vicesimo sexto GEORGII II. C. 16. [1753.  
executors, administrators or assigns, by one or more indorsements as aforesaid.

### C A P. XVI.

*An act for reducing the number of directors of the corporation of the governor and company of merchants of Great Britain trading to the South-Seas and other parts of America; and for encouraging the fishery; and for regulating the election of the governors and directors of the said company.*

WHEREAS in and by the charter of incorporation granted in pursuance of an act of the ninth year of her late majesty Queen Anne to the governor and company of merchants of Great Britain trading to the South Seas and other parts of America, and for encouraging the fishery, bearing date the eighth day of September in the year of our Lord one thousand seven hundred and eleven, it is amongst other things directed, That for the good government of the said company, there should be for ever a court of directors, to consist of one governor, one sub-governor and one deputy-governor, and thirty directors, and that the majority of the said court of directors, whereof the governor, sub-governor or deputy-governor (except as in the said charter is excepted) to be always one, should be deemed a court of directors; and that from and after the election, by the said charter directed to be made between the twenty fifth day of December and the sixth day of February one thousand seven hundred and seventeen, of and for such governors and directors, such election should from thenceforth be made every third year between the twenty fifth day of December and the sixth day of February, for ever: and whereas the said company at a general court holden on the first day of February one thousand seven hundred and fifty three, came to a resolution that proper application should be made to parliament in the name of the said company, that soon and after the expiration of the three years for which the present governors and directors are chosen, the court of directors of the said company might consist of one governor, one sub-governor, one deputy-governor, and eighteen directors only, and that the majority of such court of directors, whereof the governor, sub-governor or deputy-governor (except as in the said company's charter is excepted) to be always one, might from thenceforth be deemed a court of directors; and that from thenceforth also the election of governors and directors might be annually, between the twenty fifth day of December and the sixth day of February; and that the first election of governors and eighteen directors might be between the twenty fifth day of December one thousand seven hundred and fifty three, and the sixth day of February then next following: and whereas the said governor and company, by their petition under their common seal, have prayed that they may be enabled, by authority of parliament, to carry the aforesaid resolution of their general court into execution; may it therefore please your most excellent Majesty, upon the humble petition and request of the said governor and

and company, that it may enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, 'that from and after the expiration of the three years for which the present governors and directors are chosen, the court of which the directors of the said company do and shall consist of one governor, one sub-governor, one deputy-governor, and twenty one directors only; and that the majority of such court of directors, whereof the governor, sub-governor or deputy-governor (except as in the charter of the said company is excepted) to be always one, shall from thenceforth be deemed and be a court of directors.

The number  
of which the  
court of di-  
rectors is to  
consist.

II. Provided always, and be it further enacted by the authority aforesaid, That at the next general election of directors, twenty one directors and no more, who were at the last preceding general election of directors chosen into the office of directors, may be again appointed or chosen into the office of directors; and that at and in every subsequent election no more than fifteen who were at the last preceding general election of directors chosen into the office of director, shall be again appointed or chosen into the office of director; any by-law of the said governor and company to the contrary thereof in any wise notwithstanding.

At the next  
general elec-  
tion 21 of the  
former direct-  
ors may be re-  
chosen,  
and in every  
subsequent  
one, no more  
than 15 of  
those in the  
preceding  
election.

III. Provided always, and be it further enacted by the authority aforesaid, That the salaries of the governors and directors of the said governor and company shall continue and be the same as they now are; any by-law of the said governor and company to the contrary thereof in any wise notwithstanding.

Salaries of the  
governors and  
directors to  
continue as  
now.

### C A P. XVII.

*An act for the more effectual levying of the duties upon windows or lights in that part of Great Britain called Scotland.*

WHEREAS an act of parliament was made in the twentieth year of the reign of his present Majesty, intituled, An act for repealing the several rates and duties upon houses, windows and lights; and for granting unto his Majesty other rates and duties upon houses, windows and lights; and for other uses and purposes in the said act expressed: and whereas another act of parliament was made in the twenty first year of the reign of his present Majesty, intituled, An act for explaining, amending, and farther enforcing the execution of the said act of the twentieth of his present Majesty; by which several amendments and alterations of the aforesaid acts were made: and whereas those acts have not proved effectual for raising and levying the duties upon windows or lights in that part of Great Britain called Scotland, and it is therefore necessary that some further provisions be made for that purpose; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and

20Geo.2.c.3.

21Geo.2.c.10.

The commissioners of the land-tax to nominate assessors for surveying the windows.

Notice of such nomination to be given to the assessors,

who are to appear before the commissioners, and receive their instructions.

Assessors to leave a note of the survey and charge at each houſe.

Assessors to report their survey and charge to the commissioners of supply.

Note of the assessment to be lodged with the collector of the land-tax, who is to collect the window-tax.

and commons in this present parliament assembled, and by the authority of the same, That the duties and rates by the ſaid acts impoſed upon windows or lights in that part of this kingdom called *Scotland* ſhall, from and after the fifteenth day of *May* in this present year one thousand seven hundred and fifty three, be raised, levied and collected in manner herein after-mentioned; that is to ſay, the commissioners of the land-tax who have been appointed for levying the land-tax for the year one thousand seven hundred and fifty three, and ſuch commissioners as ſhall be appointed for levying the land-tax for the year one thousand seven hundred and fifty four, and ſo in time coming for all years thereafter, ſhall upon the first day of their meeting, or at any ſubsequent meeting, before the second day of *August* yearly, nominate and appoint one or more assessors for surveying and numbering the windows or lights of all houses ſubject to the ſaid duty within the ſeveral parishes belonging to or lying within the feſeral counties or boroughs wherein the ſaid commissioners for the ſaid tax ſhall be named and commissioned to act; and the clerk to the ſaid commissioners of every ſhire or borough respectively, ſhall give notice to the assessors ſo to be named, of their being named assessors for the purpose aforesaid, and that by a note in writing ſubſcribed by the clerk to be delivered to them personally, or left at their dwelling-houſes within the ſpace of ten days after their being nominated or appointed as aforesaid; and the ſaid assessors ſhall, upon ſuch day as the commissioners ſhall appoint for that purpose, which day ſhall be within one calendar month after their appointment, personally appear before the commissioners of supply, or any quorum of them, at their ordinary place of meeting, and ſhall be there instructed by the commissioners as to what is their duty, and what they are to execute, as to the way and manner of surveying and numbering of the windows or lights ſubject to the duty.

II. And be it further enacted, That the ſaid assessors ſhall, at the time of their surveying and numbering the ſaid windows and lights, leave a note in writing with the occupier of the house, or at the house itſelf, of the ſurvey he hath made, bearing the number of the windows or lights, and the amount of the duty with which the ſaid occupier is to be charged.

III. And be it enacted, That the ſaid assessors ſhall report the ſurvey by them made, and the number of windows or lights in each houſe, and duty with which the occupier of every ſuch houſe is charged, to the commissioners of supply, upon ſuch day as the commissioners ſhall appoint at the time they give their instructions; which day ſhall be within twenty days after the day of giving the instructions to the ſaid assessors.

IV. And be it further enacted, That a note of these assessments ſhall forthwith be lodged by the clerk of the commissioners in the hands of the collector of the cefs or land-tax for the ſaid county; and that the collector of the cefs or land-tax for the time being for each county and burgh within *Scotland*, ſhall be and is hereby appointed, impowered and required to be collector

lector of the duty imposed upon windows or lights ; and the cautioners or sureties for every such collector of the cefs or land-tax shall be farther *ipso facto* bound by virtue of this act for the due and faithful performance by such collector, of all parts of the duty of the office hereby committed to him, in respect of the duties on windows or lights, and that under the penalty of one hundred pounds sterling ; and that every such collector of the cefs shall likewise be intitled to have an allowance from the receiver general of the sum of three pence per pound of the money arising from the said window tax.

Sureties  
bound in rool.  
for his due  
performance  
of his office.

3 d. per pound  
allowed him.

V. And whereas by occasion of the death of persons chosen to be collectors of the cefs or land-tax in the several shires or boroughs in that part of Great Britain called Scotland, or by other accidents, it may happen that there shall be a vacancy of that office, and by consequence no collector of the said duty on windows or lights ; be it therefore enacted by the authority aforesaid, That as often as it shall happen that there is a vacancy in the office of collector of the cefs or land-tax in any shire or borough in Scotland, it shall and may be lawful for the barons of the court of exchequer in Scotland, or any two or more of them, upon the application of the receiver general or surveyor general of the duties on windows or lights, or either of them, to nominate and appoint a person to officiate as collector of the duty on windows or lights within such county or borough, during the vacancy of the office of collector of the cefs or land-tax within such county or borough ; and the person or persons so to be appointed by the said barons shall have all and every the powers and duties concerning the raising, collecting and paying over the said duty on windows or lights, that the collector of the cefs or land-tax, and of the said duty, would have had by virtue of this act ; and shall also be intitled to receive from such shire or borough, for and during the time of his service, the like salary or allowance as was given to the last collector of the land-tax, for such shire or borough ; and that over and above the allowance of three pence in the pound of the duties on windows or lights that shall be collected by him during the time of his acting in such office.

Vacancy of  
collector to be  
filled up by  
the barons of  
the exchequer.

VI. And be it enacted, That the occupiers of each house, the windows or lights whereof are to be charged with the said duty, shall, by themselves, or others for their behoof, pay in the duty with which they are charged, on or before the twenty ninth day of September, yearly, for the half year betwixt Whitsunday and Martinmas day ; and on or before the twenty fifth day of March, yearly, for the half year betwixt Martinmas and Whitsunday, to the collector of the cefs personally, or at his office by him held for receiving the land tax, unless such occupier shall enter an appeal against the assessment made ; in which case such appeal shall be discuss'd before payment in manner herein after directed, and shall be made only within ten days after discussing or dismissing such appeal, in the manner herein after provided ; and that every such occupier shall, in case of his not paying in the duties with which he is charged, to the collector

Occupiers to  
pay the duty  
half-yearly.

Provision in  
case of appeal.

On nonpay-  
ment to forfeit  
treble value.  
of

Duties and  
forfeitures  
how to be re-  
covered.

of the cefs, upon the day upon which he is hereby appointed to pay the same, or within three days thereafter, forfeit treble the value and extent of the duty with which he stands charged.

Appraisement  
and sale of  
goods di-  
strained.

VII. And be it further enacted, That the duties by the said act imposed, and likewise all penalties, triple values, and forfeitures incurred by virtue of this act, shall be recovered at the suit of the respective collectors, by distraining or poynding, according to the forms of the laws of *Scotland*, upon warrants to be granted and subscribed by any two of the commissioners of supply, or by the sheriff, or depute sheriff, of the county from whom such warrant shall be required, and they are hereby respectively required to grant the same under the penalty of ten pounds sterlinc, *toties quoties*, upon certificate made to them, or either of them, by the collector of the cefs, that such penaltics or forfeitures are incurred, and such duties resting, and not duly paid, which warrants shall be executed by the constables or sheriff officers of the county; and the goods or effects so poynded or distrained shall be valued and appraised by any two persons, to be appointed by the sheriff officer or constable to value and appraise such goods, which two persons shall be obliged to value the same, under the penalty of forty shillings sterlinc, for each neglect or refusel; and which valuation shall be made upon the ground, or at the house where the same were poynded and distrained, and may and shall be sold and disposed of at the value, by the officer or constable who does poynd or distractain the same; and the value to be applied in the first place, to the satisfaction and payment of the duty, triple value or penalty, owing by the person whose goods are so poynded; and in the second place, to the payment for the trouble of the officer or constable so poynding, at the rate of two shillings *per pound* of the duty, triple value or penalty, for which the goods shall be poynded or distrained, unless the owner, from whom the same were poynded or distrained, shall redeem the same by payment of the appraised value within the space of four days after the poynding and valuation, to the officer who poynded the same; and in case any surplus shall remain of the price or value after payment of the duty due or penalty incurred, and after payment of what is allowed to be retained by the officer or constable in manner herein directed, such surplus shall be returned to the owner from whom the goods were distrained; and in case no purchaser or buyer do appear at the said sale, that the said goods or effects so poynded or distrained shall be consigned and lodged in the hands of the sheriff depute of the county, or his substitute, and if not redeemed by the owner within the space of four days after the consignment in the hands of the said sheriff, that the same shall be roused, sold and disposed of by order of the sheriff, in such manner and at such time and place, as he shall appoint, he always being liable to the payment of the duty, triple value, or of the penalty or penalties incurred, to the collector of the cefs, and to the officer or constable who shall have poynded the same, for their trouble and expence as above stated, in case the value

If there shall  
be no pur-  
chaser the di-  
strains to be  
lodged with  
the sheriff de-  
pute, and to  
be sold by  
him, if not re-  
deemed with-  
in 4 days;

of

of the goods so sold shall amount to the extent of the duty and penalties incurred, and to the fees due to the officer or constable ; and shall be in the third place intitled to one shilling *per pound* 1*s.* per pound of the value of the goods so disposed of, for his own pains and trouble, after preference and allowance of the duty or penalties, *his trouble,* &c. and of what is appointed to be paid to the officer or constable for their pains ; and that there shall likewise be allowed to the officer or constable so poyning, the expence of preserving or maintaining the goods or cattle so poyned, during the four days allowed to the owner to redeem them, and the expence of the sale ; and in like manner the expence shall be allowed to the sheriff for preserving and maintaining the goods or cattle distrained, during the four days that the owner is allowed to redeem, after consignment in his hands, as also the expence of the sale.

VIII. And be it further enacted, That the officer or constable who shall dispose of such goods or cattle so poyned, distrained and sold, shall be bound to pay in the sums arising from the sale, in so far as extends to the duties or penalties for which the same were poyned, to the collector of the cefs or land-tax, within ten days after receipt of the price, allowing always what is above allowed for his own pains and expence ; and that in like manner, if the goods or cattle distrained shall be disposed of by the sheriff, as before directed, he shall, within four days after receipt of the price, be obliged to pay in the same to the collector of the cefs, after deduction of what is appointed to be paid to the officer or constable who made the poyning ; and after deduction of what is above allowed to be retained by him for his own pains and expence ; and shall remain liable to the collector of the cefs until payment, and subject to be poyned and distrained therefore in the same manner as is above provided with regard to any person liable to duties or penalties in virtue of this act.

IX. And be it enacted, That every such collector of the cefs or land-tax, and duties on windows or lights, shall pay over to the receiver general at Edinburgh, all such monies as he shall have received in respect of the duties or penalties aforesaid, in manner, and upon the days of payment following ; that is to say, The duties or penalties arising half-yearly betwixt Whitsunday and Martinmas, on or before the twenty fifth day of December in such year ; and the duties and penalties arising between Martinmas and Whitsunday, on or before the twenty fourth day of June immediately following.

X. And be it further enacted, That it shall be in the power of the persons liable and assessed for the duties aforesaid, in case grieved by they shall conceive themselves to be injured by the assessment and assessment ; or charge made upon them by the surveyor or assessor ; or to the appeal to the surveyor or collector, if he shall judge the crown to be leased by commissioners the assessment or charge made, to appeal to the commissioners of supply.

XI. Provided always, That every occupier of a house who shall

Occupier to give a note of his grievance to the collector within 15 days after the charge delivered to him.

Collector to make entry of such notices,

and give a copy to the surveyors.

Appellant not prosecuting, the charge to stand good.

Commissioners to hold general meetings for appeals.

Surveyor or appellant dissatisfied with their determination, may take the benefit of the provision in the act of

21 Geo. 2. c. 10.

Surveyors to supervise the assessments,

and whereany shall be under-rated, to give notice to the occupier and collector, &c.

shall conceive himself to be aggrieved by the assessment or charge made upon him for his windows or lights, shall, within the space of fifteen days after the note in writing of his charge being delivered to him, or left at his houle by the assessor or surveyor, by himself, or some other person acting on his behalf, deliver, or cause to be delivered, to the collector of the cefs at his office, a note in writing of the wrong or grievance of which such person complains, and whereof he shall be minded to seek redres by appeal; and such collector is hereby required to make an entry in a book to be kept by him for that purpose, of all such notices given to him, from time to time, and to lay the same before the ſaid commissioners at their first meeting; and every ſuch collector is farther hereby required, upon demand made for that purpose by the assessors, or surveyors, to give them inspection and leave to take a copy of all ſuch notices of appeals, that they may attend the meeting of the ſaid commissioners, prepared to answer the ſame in ſupport of their charge.

XII. And be it further enacted, That in case the party giving ſuch notice of an appeal or complaint shall neglect to iſſit there-in before the ſaid commissioners at their next general meeting for diſcussing of appeals, to be held half-yearly in manner herein after-mentioned; then and in that case ſuch complaint or appeal ſhall be held to be fallen from, and the charge or assessment therein referred to ſhall stand in full force.

XIII. And be it enacted, That the commissioners ſhall hold a general meeting for diſcussing of appeals upon the first *Tuesday of August* yearly, and another upon the first *Tuesday of March* yearly, and upon ſuch other days as the ſaid commissioners ſhall from time to time appoint for that purpose: and in case either the surveyor, or the person ſo appealing or complaining, ſhall be and declare themſelves diſſatisfied with the determination made by the ſaid commissioners upon ſuch appeal, it ſhall and may be lawful to and for either of them ſo diſſatisfied reſpectively, to proceed and take the benefit of the provision made in ſuch caſe in the ſaid act of the twenty first year of his Maſtety's reign.

XIV. And be it further enacted, That in caſe the assessors to be appointed from time to time by the ſaid commissioners, ſhall perform the duty committed to them by making their assessments, and bringing in their certificates, as by the ſaid former acts is directed, then and in that caſe the surveyors and inspectors appointed or to be appointed in the manner directed by the ſaid act of the twentieth of his Maſtety, ſhall proceed according to the powers thereby given them, to examine and ſupervife ſuch assessments; and as often as they ſhall find any perſon occupier of a house to have been under-rated, give notice in writing of ſuch neglect or failure to the occupier of ſuch house, and also to the collector hereby appointed; and ſuch additional charge may and ſhall be paid, recovered, or the justice thereof tried and diſcussed in the manner, and according to the rules herein mentioned; and in caſe at any time the ſaid commissioners

sioners shall neglect to appoint assessors, or in case the assessors Commissioned by them appointed shall fail or neglect to make the inspection, or neglecting and bring in the certificates required of them, that then and in <sup>to appoint as-</sup> fessors, or asses- such case it shall and may be lawful to and for the said surveyor <sup>for s</sup> or neglecting Surveyors to make a certificate in writing under their respec- Surveyors to make out a tive hands of every dwelling-house inhabited, or charged by the Surveyors to said acts of the twentieth and twenty first years of his Majesty's certificate of reign, within the limits of those parishes or places in which they the duties, severally act, and of the number of windows or lights in each house, with the names of the several occupiers of each respec- <sup>and leave a note of the charge at the</sup> tive dwelling-house, and of the sums of money which they ought to pay by virtue of the said acts, and to deliver or leave a note <sup>and leave a note of the charge at the</sup> in writing with the occupier of every house that shall have been <sup>charge at the</sup> by them respectively surveyed, or at the house itself, of such occupier's survey, bearing the number of the windows or lights, and the house, extent of the duty with which the occupier of such house is charged, and shall also deliver such certificates as aforesaid to the <sup>and to deliver</sup> respective collectors of the rates and duties upon windows or the certificates lights hereby appointed; wherupon the respective occupiers <sup>to the collectors, who are</sup> shall, in the manner, at the times, and under the penalties above <sup>to levy and</sup> mentioned, pay or deliver their respective duties to such collector <sup>pay over the</sup> and in case of the failure or neglect of them to make such duties. payments as aforesaid, such collector shall, according to the certificates delivered to him by the surveyor, call for, recover and bring in the respective duties and penalties due and incurred by the persons so proving deficient; and being recovered pay over the same to the receiver general at Edinburgh, at the times and in the manner above directed.

XV. Provided always, That in case the occupier of any house where the conceiving himself to be aggrieved by such survey, shall enter charge shall be controvert- and give notice of his complaint or appeal as aforesaid, then and <sup>ed, dñe's not</sup> in that case the collector shall not proceed to recover by distress <sup>to be made</sup> such part of the charge as shall be complained of, or controvert- till the appeal ed by such appellant, until the final discussion of the appeal, determined, either by its being fallen from or prosecuted to a final decision, in manner above-mentioned.

### C A P. XVIII.

*An act for enlarging and regulating the trade into the Levant seas.*

WHEREAS King James the First, by letters patent bearing date the fourteenth day of December in the third year of his reign, did grant to several persons therein named, and to their sens, and such others as should then after be admitted or made free, that they should be one fellowship, and one body corporate and politick, by the name of The governor and company of merchants of England trading into the Levant seas, and by the same name should have perpetual succession; and did direct, That all persons, subjects of this realm, being mere merchants, which then were, or after the date of the said letters patent should happen to be, under the age of twenty

six years, or not out of his or their apprenticeships, should be admitted into the freedom of the said company, if he or they should demand the same within one year next after he or they should attain the age of twenty six years, or within one year after the end of his or their apprenticeships, and should offer and pay to the said governor and company for his or their admittance the sum of twenty five pounds ; and did further direct, That all persons, subjects of this realm of England, being mere merchants, above the age of twenty six years, should be admitted into the freedom of the said company, upon paying a fine of fifty pounds ; and did also direct, That all and every the sons of such as were or should be free of the said company, and also all their apprentices employed in that trade for the space of three years or upwards, within the limits of the said letters patent, should after the end of their apprenticeships be admitted to the freedom of the said company, on payment of the sum of twenty shillings only : and whereas King Charles the Second, by his letters patent bearing date the second day of April in the thirteenth year of his reign, did ratify and confirm the said letters patent of King James the First ; and did further direct, That no person residing within twenty miles of the city of London should be admitted into the freedom of the said company, or have any benefit of the privileges thereof, unless he be made free of the said city : and whereas the trade into the Levant seas has very much decreased, and the taking of less fines for the admission of persons into the freedom of the said company, and the not restraining of the freedom thereof to mere merchants, and to such persons as residing within twenty miles of the city of London are free of the said city, and the securing to all persons admitted into the said company, the liberty of exporting at all times hereafter all sorts of goods and merchandize (not prohibited by law to be exported) to any port or place within the limits of the said letters patent, from what parts of Great Britain, and at what time, and in what quantity, and on board what ships (navigated according to law) they shall respectively think proper, and also of importing in the like manner from any port or place within the limits of the said letters patent, raw silk, or any other goods or commodities purchased within the said limits, (not prohibited by law to be imported) are the most probable means of recovering and extending the said trade for the benefit of this nation ; may it therefore please your M:ajesty, that it may be enacted ; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of

Any subject of Great Britain desiring admission, and paying 20 l. to be made free of the Turkey company.

the same, That from and after the twenty fourth day of June one thousand seven hundred and fifty four, every subject of Great Britain desiring admission into the said company of merchants of England, trading into the Levant seas, commonly called or known by the name of *The Turkey company*, shall, upon request for that purpose made by himself, or any other person in his behalf, to the governor or deputy governor of the said company for the time being, be admitted into the said company within the space of thirty days after such request shall be made, and shall have, use and enjoy all the liberties, privileges, jurisdictions,

diſtions, franchises, powers and authorities granted to the ſaid company by the ſaid letters patent, as largely, fully and amply to all intents, conſtructions and purpoſes, as any member of the ſaid company could, can or may have, uſe and enjoy the ſame, by virtue of the ſaid letters patent, ſuch ſubject paying or tendering, or cauſing to be paid or tendered, for ſuch his admiſſion, for the uſe of the ſaid company, the ſum of twenty pounds, and no more; any thing in the ſaid letters patent, or either of them, to the contrary in any wife notwithstanding.

II. And be it enacted by the authority aforesaid, That from Oath to be and after the twenty fourth day of June one thouſand ſeven hundred and fifty four, the following oath in lieu of the oath here-  
tofore taken by persons upon their admiſſions to their freedoms in the ſaid company, ſhall be taken by every person upon his ad-  
mission to his freedom, either before the governor or deputy  
governor of the ſaid company, or before two of his Maieſty's  
juſtices of the peace, (who are hereby reſpectively impowered  
and required to administer the ſaid oath) which juſtices are  
hereby required to certify under their hands and ſeals, that the  
ſaid oath was taken by  
on the                   day of                   before  
us, two of his Maieſty's juſtices of the peace in and for

**Y**OU ſwear to be good, faithful and true to our ſovereign lord King George, his heirs and ſucceſſors; you ſhall be obedient and affiſtant to the governor, his deputy and affiſtants of the company of merchants of England trading into the Levant ſeas, in all lawfuſ matters; you ſhall truly hold and keep to your power (having no ſingular regard to yourſelf, to the hurt and prejudice of the common weal of the ſaid company) all ſtatutes, aels and ordinances, which have been duly made, according to the grant of privileges granted to the ſaid company, and conſiſtent with an act of parliament made in the twenty ſixth year of his maieſty King George the Second, intituled, An act for enlarging and regulating the trade into the Levant ſeas; the ſecrets of the ſaid company you ſhall not diſclose; and if you ſhall know any perſon or perſons that intend any hurt, harm or prejudice to our aforesaid ſovereign lord the King's maieſty, his heirs or ſucceſſors, or to the ſaid company, or the privileges of the ſaid company, you ſhall give knowledge thereof to the ſaid governor, deputy or affiſtants, or to ſome of them; and you ſhall not colour or free any goods belonging to any one not free of the ſaid company.

So help you God.

III. And be it further enacted by the authority aforesaid, Persons ad-  
That from and after the ſaid twenty fourth day of June one thouſand ſeven hundred and fifty four, it ſhall and may be law-  
ful to and for all and every perſon and perſons, being free of the ſaid company as aforesaid, ſeparately or jointly to export, or  
cauſe to be exported, from any port or place in Great Britain, to any port or place within the limits of the ſaid letters patents, in  
any port or place built ſhips (navigated according to law) at any time of the com-

at any time, and to any person or persons whomsoever, being freemen of the said company, or sons or apprentices of free-men, (such freemen, sons or apprentices, being his Majesty's christian subjects) so long as such person or persons shall remain under, and submit to, the protection and direction of the *British* ambassador and consuls respectively for the time being, any goods, wares or merchandizes whatsoever, not prohibited by law to be exported; and also to import, in like manner, from any port or place within the limits of the said letters patent, raw silk, or any other goods, wares or commodities, purchased within the said limits, (not prohibited by law to be imported) upon paying or securing the customs, and other duties payable for the same, to his Majesty, his heirs and successors, by virtue of any law now in force, or hereafter to be made; and upon paying such impositions or sums of money as shall be assed and charged upon all goods, wares or merchandizes, to be exported or imported as aforesaid, or upon any ships laden with the same, for defraying the necessary expences of the said company; any thing in the said letters patent, or either of them, or any ordinance, constitution or by-law of the said company, made or to be made, to the contrary in any wise notwithstanding.

**Exportation  
of gold and  
silver subject  
to the by laws  
of the compa-  
ny.**

**By-laws shall  
be confirmed  
at a subsequent  
general court,**

**and if 7 free-  
men shall  
think them-  
selves aggrieved,  
they may  
appeal to the  
commissioners  
for trade, &c.**

**but such law  
to be in force  
till the appeal  
determined.**

**Limitation of  
the time of ap-  
peals.**

IV. Provided always, That the exportation of gold or silver, either in foreign coin or bullion, shall remain subject to the by-laws of the said company made or to be made in that behalf.

V. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said governor, or deputy governor and company, in general court assembled, to make such rules, ordinances or by-laws, for the good government of the said company, as the major part of the members present at such general court shall think necessary; but no such rule, ordinance or by-law, shall be valid, or of any force or effect whatsoever, unless the same be confirmed at a subsequent general court, to be held at least one calendar month after the general court at which such rule, ordinance or by-law was made; and if any seven or more of the freemen of the said company shall think themselves aggrieved by any rule, ordinance or by-law, made or to be made, it shall be lawful for them to present an appeal in writing against the same to the commissioners for trade and plantations, who are hereby impowered and required, with all convenient speed, to hear such appeal, and to approve or disapprove such rule, ordinance or by-law, and in such manner as to them, or the major part of them present, shall appear fit and reasonable.

VI. Provided alwaye, That such rule, ordinance or by-law, shall be and continue in force till such appeal be so heard, and such rule, ordinance or by-law, be disapproved as aforesaid; but in case such by-law, rule or ordinance, shall be disapproved on the hearing of such appeal as aforesaid, then such rule, ordinance or by-law, shall, from and after such disapproval only, be deemed null and void to all intents and purposes whatsoever.

VII. Provided also, That in case any such appeal shall be brought against any future rule, ordinance or by-law, to be made

made by the said governor and company, such appeal shall be brought within twelve calendar months after such rule, ordinance or by-law, shall be so made and confirmed as aforesaid; and if any such appeal shall be brought against any rule, ordinance or by-law of the said company now in force, such appeal shall be brought within twelve calendar months after the said twenty fourth day of June one thousand seven hundred and fifty four.

VIII. Provided also, That the persons appealing against any such rule, ordinance or by-law, shall at the same time give notice in writing of such appeal, to the governor, deputy governor, or secretary of the said company for the time being.

IX. Provided nevertheless, That no such rule, ordinance or by-law, shall be of any greater or other force or validity than of no greater force than if the same would or ought to have been, if no such appeal had been given by this act.

X. Provided always, and it is hereby further enacted, That whenever any general court of the said company shall be appointed to be held for the making of any rule, ordinance or by-law, publick notice thereof shall be given in the *London Gazette* by-laws to be published in the Gazette, at least twenty days before the time appointed for the holding of such general court.

XI. Provided always, and it is hereby enacted, That all Rules for preventing infection, shall be, and remain in full force and virtue as if this act had never passed.

XII. And be it further enacted by the authority aforesaid, That no goods or merchandizes liable to retain the infection of the plague, and coming from the *Levant* without a clean bill of health, shall be landed in any part of Great Britain or Ireland, or of the isles of Guernsey, Jersey, Alderney, Sark or Man, unless it shall appear to the satisfaction of his Majesty, his heirs or successors, or of his or their privy council, that the said goods or merchandizes have been sufficiently opened and aired in the lazarets of Malta, Ancona, Venice, Messina, Leghorn, Ginoa and Marseilles, or one of them.

### C A P. XIX.

*An act for enforcing the laws against persons who shall steal or detain shipwrecked goods; and for the relief of persons suffering losses thereby.*

WHEREAS notwithstanding the good and salutary laws now in being against plundering and destroying vessels in distress, and against taking away shipwrecked, lost or stranded goods, many wicked enormities have been committed, to the disgrace of the nation, and to the grievous damage of merchants and mariners of our own and other countries: for remedy thereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That if any person or persons,

Persons convicted of plundering shipwrecked goods, &c.

or of obstructing the escape of any person from a wreck, or of putting out false lights, to suffer death without clergy.

Where goods of small value shall be stolen without any circumstances of cruelty, the offender may be indicted for petit larceny.

Justices upon information of shipwrecked goods being stolen or concealed, to issue search warrants;

and the persons in whose custody the goods shall be found, not giving a satisfactory account,

to be committed for six months, or until payment of treble value.

Sons shall plunder, steal, take away or destroy any goods or merchandize, or other effects, from or belonging to any ship or vessel of his Majesty's subjects, or others, which shall be in distress, or which shall be wrecked, lost, stranded or cast on shore in any part of his Majesty's dominions, (whether any living creature be on board such vessel or not) or any of the furniture, tackle, apparel, provision, or part of such ship or vessel; or shall beat or wound with intent to kill or destroy, or shall otherwise wilfully obstruct the escape of any person endeavouring to save his or her life from such ship or vessel, or the wreck thereof; or if any person or persons shall put out any false light or lights with intention to bring any ship or vessel into danger; then such person or persons so offending shall be deemed guilty of felony, and being lawfully convicted thereof, shall suffer death as in cases of felony, without benefit of clergy.

II. Provided always, and be it enacted by the authority aforesaid, That when goods or effects of small value shall be stranded, lost or cast on shore, and shall be stolen without circumstances of cruelty, outrage or violence; then and in such cases it shall be lawful for any person or persons to prosecute for such offence by way of indictment for petit larceny; and the offenders being thereof lawfully convicted, shall suffer such punishment as the laws in cases of petit larceny do enjoin or require.

III. And be it further enacted by the authority aforesaid, That it shall be lawful for any one or more of his Majesty's justices of the peace, upon information made before him or them upon oath (which oath all justices are hereby impowered to administer) of any part of the cargo or effects whatsoever belonging to any ship or vessel lost or stranded upon or near the coasts aforesaid, being unlawfully carried or conveyed away, or concealed in any house, out-house, barn or other place, or of some reasonable cause of suspicion thereof, to issue his or their warrant or warrants for the searching of such house, out-house, barn or other place, as in other cases of stolen goods: and if the same shall be found in such house, out-house, barn, or other place or places, or upon or in the custody or possession of any person or persons not legally authorized or intitled to keep and withhold the same; and the owner or occupier of such house, out-house, barn or other place, or the person or persons upon whom, or in whose custody or possession the same shall be found, shall not immediately, upon demand, deliver the same to the lawful owner or owners thereof, or to such other person or persons as shall be lawfully authorized to demand the same; or shall not give a good account, to the satisfaction of the said justice or justices, how he, she or they came by, or became possessed thereof; it shall and may be lawful to and for such justice or justices, upon proof of such refusal, and he and they are hereby required to commit the laid offender or offenders to the common gaol for the space of six months, or until he, she or they shall have paid to such lawful owner or owners, or to the person or persons lawfully authorized to receive the same, treble the

the value of the goods or things so by him her or them unlawfully detained.

IV. And be it further enacted by the authority aforesaid, That if any person or persons shall offer or expose to sale any goods or effects whatsoever belonging to any ship or vessel lost, stranded or cast on shore as aforesaid, and unlawfully taken away, or reasonably suspected so to have been; then and in every such case it shall be lawful for the person or persons to whom the same shall be so offered for sale, or any officer of the customs or excise, or any constable, headborough or tythingman, or other peace officer, to stop, take and seize the said goods and effects; and that he or they shall, with all convenient speed, carry the same, or give notice of such seizure to some one or more of his Majesty's justice or justices of the peace; and if the person or persons who shall have offered the said goods or effects to sale, or some other person or persons on his, her or their behalf, shall not appear before the said justice within ten days next after such seizure, and make out, to the satisfaction of the said justice, the property of the said goods or effects to be in him, her or them, or in the person or persons by whom he, she or they, was or were employed to sell the same; then the said goods or the goods to effects shall, by order of the said justice, be forthwith delivered over to or for the use of the rightful owner or owners thereof, upon payment of a reasonable reward for such seizure (to be ascertained by the said justice) to the person who seized the same; and such justice shall and may commit the person or persons who shall so have offered or exposed the said goods or effects to sale as aforesaid to the common gaol for the space of six months, or until he, she or they, shall have paid to such lawful owner or owners, or to the person or persons lawfully authorized to receive the same, treble the value of the said goods or effects so by him, her or them unlawfully offered to sale as aforesaid.

V. And be it further enacted by the authority aforesaid, That Persons who in case any person or persons not employed by the master, mariners or owners, or other persons lawfully authorized, in the salvage of any ship or vessel, or the cargo or provision thereof, shall, in the absence of persons so employed or authorized, save for the benefit any such ship, vessel, goods or effects, and cause the same to be carried, for the benefit of the owners or proprietors, into port, or to any near adjoining custom-house or other place of safe custody, immediately giving notice thereof to some justice of the peace, magistrate, or custom-house or excise officer, or shall discover where such goods are concealed, intitled to the reward; and the quantum in case of disagreement about the same, is to be adjusted and paid by virtue of the statute made in the twelfth year of the reign of her late majesty Queen Anne, intitled, *An act for the preserving all adjusted ac-*

cording to 12. all such ships and goods thereof which have happened to be forced on  
Ann. &c. 13. shore, or stranded upon the coasts of this kingdom, or any other of her  
Majesty's dominions, or else in the manner herein after prescribed,  
as the case shall require.

Where any  
vessel or effects  
shall be strand-  
ed, publick  
notice to be  
given for a  
meeting of the  
sheriff, justices  
and magi-  
strates, &c.

who are to aid  
in saving the  
vessel and  
goods, &c

and to adjust  
the salvage;

4 s. a day al-  
lowed for their  
attendance.

If the salvage  
be not paid,  
the officer of  
the customs  
may raise the  
same by a bill  
of sale of the  
vessel or car-  
go;

which may be  
redeemed, up-  
on payment of  
principal and  
interest.

Where oath  
shall be made  
of plunder or  
theft,

or of breaking  
a ship, con-  
trary to 12.

VI. And be it further enacted by the authority aforesaid, That for the better ascertaining the salvage to be paid in pursuance of this present act, and the act before-mentioned, and for the more effectual putting the same acts in execution, the justice of the peace, mayor, bailiff, collector of the customs, or chief constable, who shall be nearest to the place where any ship, goods or effects shall be stranded or cast away, shall forthwith give publick notice for a meeting to be held as soon as possible of the sheriff or his deputy, the justices of the peace, mayors, or other chief magistrates of towns corporate, coroners and commissioners of the land-tax, or any five or more of them, who are hereby required and impowered to give aid in the execution of this and the said former act, and to employ proper persons for the saving of ships in distress, and such ships, vessels and effects, as shall be stranded or cast away; and also to examine persons upon oath touching or concerning the same, or the salvage thereof, and to adjust the *quantum* of such salvage, and distribute the same among the persons concerned in such salvage, in case of disagreement among the parties, or the said persons; and that every such sheriff, justice of the peace, mayor, chief magistrate, coroner, lord of a manor, under-sheriff, or commissioner of the land-tax, attending and acting at such meeting, shall be paid four shillings a day for his expences in such attendance out of the goods and effects saved by their care or direction.

VII. Provided always, and be it further enacted by the authority aforesaid, That if the charges and rewards for salvage, directed to be paid by the said act of the twelfth year of the reign of her said late majesty Queen Anne, and by this present act, shall not be fully paid, or sufficient security given for the same within forty days next after the said services performed, then and in such case it shall be lawful for the officer of the customs concerned in such salvage, to borrow or raise so much money as shall be sufficient to satisfy and pay such charges and rewards, or any part thereof then remaining unpaid, or not secured as aforesaid, by or upon one or more bill or bills of sale, under his hand and seal, of the ship or vessel, or cargo saved, or such part thereof as shall be sufficient, redeemable nevertheless upon payment of the principal sum so borrowed, and interest for the same after the rate of four pounds *per centum per annum*.

VIII. And be it further enacted by the authority aforesaid, That if oath shall be made before any magistrate, lawfully impowered to take the same, of any such plunder or theft and the examination in writing thereupon taken shall be delivered to the clerk of the peace of the county, riding or division where in such fact shall be committed, or to his deputy; or if oath shall be made before any such magistrate of the breaking any ship,

ship, contrary to the aforesaid act made in the twelfth year of Ann. st. 2.  
 the reign of her said late majesty Queen Anne, and the exami- c. 18. and the  
 nation in writing thereupon taken shall be delivered to such clerk examination  
 of the peace, or his deputy; then such clerk of the peace shall shall be deli-  
 cause the offender or offenders in any of the said cases to be forth- vered to the  
 with prosecuted for the same, either in the county where the clerk of the  
 fact shall be committed, or in any county next adjoining; in peace, he is to  
 which adjoining county any indictment may be laid by any offendee;  
 other prosecutor; and if the fact be committed in Wales, prosecute the  
 then the prosecution shall or may be carried on in the next and the char-  
 adjoining English county; and the necessary charges of such ges to be paid  
 prosecutions by the clerk of the peace shall be paid by the by the trea-  
 treasurer of the county, riding or division where the fact shall be surer of the  
 committed, to such amount as the justices of the peace in their county.  
 general or quarter sessions shall order and ascertain the same;  
 and if such clerk of the peace shall neglect or refuse to carry on  
 such prosecution in due manner, he shall forfeit one hundred  
 pounds for every such offence, to any person or persons who  
 shall sue for the same by action of debt, bill, plaint or informa- Clerk of the  
 tion, in any of his Majesty's courts of record at Westminster; in tress to pro-  
 which action no essoin, protection, wager of law, or more than  
 one imparlance shall be allowed. fecture, for  
 its 100.

IX. And be it further enacted by the authority aforesaid,  
 That the commissioners of the land tax, the deputy sheriff, the  
 coroner, and the officers of excise in each county, riding and  
 division, shall be proper officers for putting in execution this Officers for  
 present act, and the said act made in the twelfth year of the reign and 12 Ann.  
 of her late majesty Queen Anne, together with those therein st. 2. c. 18.  
 respectively named for that purpose. in execution.

3 Geo. 2. c. 13.

X. And whereas by an act made in the third year of the reign of  
 his late majesty King George the First, intituled, An act for the  
 better regulating of pilots for the conducting of ships and ves-  
 sels from Dover, Deal, and the isle of Thanet, up the rivers of  
 Thames and Medway, it is enacted, That the lord warden of the  
 cinque ports for the time being shall nominate and appoint, by an in-  
 strument under his hand and seal, three or more substantial persons in  
 each of the cinque ports, two ancient towns and their members, to  
 adjust and determine, within the space of twelve hours, differences  
 which shall or may arise within the jurisdiction of the cinque ports  
 relating to the salvage of anchors and cables from which vessels shall  
 or may be forced by extremity of weather: now it is hereby enacted  
 That the lord warden of the cinque ports for the time being,  
 and the lieutenant of Dover Castle for the time being, and the  
 deputy warden of the cinque ports for the time being, and the  
 judge official and commissary of the court of admiralty of the  
 cinque ports, two ancient towns, and the members thereof, for  
 the time being, and all and every of them, and all and every  
 other person and persons appointed or to be appointed by the  
 lord warden of the cinque ports for the time being, pursuant to  
 the said act made in the third year of his late Majesty's reign,  
 shall be the persons to put in execution, within the liberty and  
 jurisdiction of the cinque ports, &c.

Officers for  
 putting this  
 and 12 Ann.  
 in execution  
 within the li-  
 berty of the  
 cinque ports,  
 &c.

jurisdiction of the cinque ports, two ancient towns and their members, all the powers and authorities given and granted by and by this act, and in and by the before mentioned act of parliament made in the twelfth year of her said late majesty Queen Anne; and also in and by the said act made in the fourth year of the reign of his late majesty King George the First; and also shall and may execute, perform and do, within the jurisdictions aforesaid, all the acts, matters and things contained in this and the before-mentioned statutes, in like and as full and ample manner, to all intents and purposes, as any justice or justices of peace, or any other person or persons, are by this and the said acts appointed or authorized to do in any other part of the kingdom.

XI. And be it further enacted by the authority aforesaid, That if any sheriff or his deputy, justice of the peace, mayor, or other magistrate, coroner, lord of a manor, commissioner of the land tax, chief constable or petty constable, or other peace officer, or any custom-house or excise officer, or other person lawfully authorized, shall be assaulted, beaten and wounded, for or on account of the exercise of his or their duty, in or concerning the salvage or preservation of any ship or vessel in distress, or of any ship or vessel, goods or effects, stranded, wrecked, or cast on shore, or lying under water, in any of his Majesty's dominions, then any person or persons so assaulting, beating and wounding, shall upon trial and conviction, by indictment at the assizes, or general gaol delivery, or at the general or quarter sessions for the county, riding or division, where such offence shall be committed, be transported for seven years to some of his Majesty's colonies in America, and shall be subject to such subsequent punishment, in case of return before that time, as other persons under sentence of transportation are by the law subjected unto.

XII. And be it further enacted by the authority aforesaid, That it shall be lawful for any one or more of his Majesty's justices of the peace, in case of need, and in the absence of the high sheriff, to take sufficient power of the county, to repress all unjust violence, and duly to enforce the execution of this act.

XIII. And to prevent confusion among persons assembled to save any ship, vessel, goods or effects, as aforesaid, either for want of proper orders, or by contradictory orders; be it further enacted, That all persons so assembled shall conform in the first place to the orders of the master or other officers or owners, or other persons employed by them; and for want of their presence or directions, then in the next place to the orders of the persons authorized by this act, or the aforesaid act of Queen Anne, in the like manner, in the following subordination as any of the said persons shall happen to be present; that is to say, in the first place, to the orders of any officer or officers of the customs; then of any officer or officers of the excise; then of the sheriff or his deputy; then of any justice or justices of the peace; then of the mayor or chief magistrate of any corporation;

**Persons convicted of assaulting any magistrate or officer, &c. in the salvage of any vessel or goods, to be transported for 7 years.**

**Justice in the absence of the sheriff may take a sufficient force to repress violence, &c.**

**Persons empowered to give orders, where any shall be assembled in case of a shipwreck, &c.**

ration; then of the coroner; then of any commissioners of the land tax; then of any chief constable; then of any petty constable or other peace officers; and any person whatsoever acting knowingly and wilfully contrary to such orders, shall forfeit any sum not exceeding five pounds, to be levied by warrant of one justice of the peace; and in case of non-payment the offender shall be committed to the house of correction for any time not exceeding three months.

Persons acting contrary to orders forfeit

XIV. Provided always, and it is hereby enacted, That neither this act, nor any thing herein contained, shall any way extend to deprive or prejudice his royal Majesty, his heirs or successors, or any claiming under them, or any patentee or grantee of the crown, or any lord or lords of any manor or manors, or other person whomsoever, of or in relation to any right which they or any of them have or may have or lawfully claim to any wreck or wrecks, or any goods which are or shall be *flotsam, jetsam or lagan*, but that such respective rights shall be enjoyed in as full, ample and beneficial a manner, in every respect, as if this act had never been made.

Rights of the Town, &c. reserved.

XV. And be it further enacted by the authority aforesaid, That the officer of the customs who shall act in the preserving of any ship or vessel in distress, or the cargo thereof, shall, as soon as conveniently may be, cause or procure all persons belonging to the said ship or vessel, and others who can give any account thereof, or of the cargo thereof, to be examined upon oath before some justice of the peace, as to the name or description of the said ship or vessel, and the names of the master, commander, or chief officer and owners thereof, and of the owners of the said cargo, and of the ports or places from or to which the said ship or vessel was bound, and the occasion of the said ship's distress, which examination the said justices are hereby required to take down in writing, and they shall deliver a true copy thereof, together with a copy of the said account of the goods, to the said officer of the customs, who shall forthwith transmit the same to the secretary of the admiralty for the time being, who shall publish or cause to be published in the next *London Gazette*, so much thereof as shall or may be necessary for the information of the persons interested or concerned therein.

Examination on oath to be taken of the ship's name, cargo and owners, &c.

and a copy to be transmitted by the admiralty, and published in the *Gazette*.

XVI. And be it further enacted by the authority aforesaid, That the before-mentioned act of parliament made in the twelfth year of her said late majesty Queen *Anne*; and also an act made in the fourth year of the reign of his late majesty King *George the First*, for enforcing and making perpetual the before-mentioned act, and for inflicting the punishment of death, on such as shall wilfully burn or destroy ships, shall in all things remain in full force, save only so far as the same are altered or changed by this present act.

The acts 12 Ann. st. 2. c. 18. and 4 Geo. 1. c. 12. to be in force where not altered by this act.

XVII. And be it further enacted by the authority aforesaid, That this act shall take place from the twenty ninth day of September, in the year of our Lord one thousand seven hundred and fifty three.

Commencement of this act.

XVIII. Provided, That nothing in this act contained, shall extend or be construed to extend to that part of Great Britain called Scotland.

Not to extend to Scotland.

### C A P. XX.

*An act for encouraging and improving the manufactory of linen in the highlands of Scotland.*

15 Geo. 2.  
c. 29.

WHEREAS by an act made in the fifteenth and sixteenth years of the reign of his present Majesty, intituled, An act for granting to his Majesty an additional duty on foreign cambricks; and for allowing thereout a bounty upon a certain species of British and Irish linens exported it was, amongst other things, enacted, That out of the additional duty by the said act imposed on foreign cambricks, there should be given and paid in manner, and upon the conditions therein mentioned, a bounty of one penny for every yard of British and Irish linens made of hemp or flax of the value of six pence per yard, and not exceeding the value of twelve pence per yard; and of one halfpenny for every yard of such British and Irish linens under the value of six pence per yard, which from and after the twenty fifth day of March, one thousand seven hundred and forty three, and within the term of seven years, to commence from the said twenty fifth day of March, or at any time thereafter, before the end of the then next session of parliament, should be exported out of Great Britain to Africa, America, or Portugal, or which should be exported to Spain, from and after the time that it should be lawful to export such linen to that kingdom: and whereas by an act made in the eighteenth year of the reign of his present Majesty, intituled, An act for effectually preventing the exportation of foreign linens, under the denomination of British or Irish linens, the payment of the said bounty is subject to certain regulations in the said act expressed: and whereas by another act made in the eighteenth year of the reign of his present Majesty, intituled, An act for allowing certain additional bounties on the exportation of British and Irish linens, additional bounties were granted thereon, and the payment thereof and of the former bounties, was made subject to certain other regulations in the said act expressed: and whereas by an act made in the twentieth year of the reign of his present Majesty, intituled, An act for granting to his Majesty a certain sum of money out of the sinking fund, for the service of the year one thousand seven hundred and forty seven; and also for enabling his Majesty to raise a further sum of money for the uses and purposes therein mentioned; and for the further appropriating the supplies granted in this session of parliament; and for applying a certain sum of money for defraying the charge of the allowances to several officers and gentlemen of the two troops of horse guards, and three regiments of horse, lately reduced, for the year one thousand seven hundred and forty seven; and for continuing the bounties on the exportation of British and Irish coarse linens; it was, amongst other things enacted, That the bounties on the exportation of British and Irish coarse linens should continue to be paid under the regulations of the acts of the fifteenth, sixteenth, and eighteenth years of his Majesty's.

18 Geo. 2.  
c. 24.

18 Geo. 2.  
c. 25.

20 Geo. 2.  
c. 36.

isly's reign ; and that the same should be paid out of such part of the old subsidy as is applicable to the payment of incidents : and whereas by an act made in the twenty second year of the reign of his present <sup>22 Geo 2.</sup>  
<sup>c. 42.</sup> Majesty, intituled, An act for granting to his Majesty the sum of one million out of the sinking fund, for the service of the year one thousand seven hundred and forty nine ; and for enabling his Majesty to raise a further sum of one million for the uses and purposes therein mentioned ; and for further appropriating the supplies granted in this session of parliament ; and for applying a certain sum for defraying certain charges and allowances to the officers and private gentlemen of the reduced troops of horse guards ; and for continuing the bounties on the exportation of British and Irish linens ; and for making forth duplicates of exchequer bills, lottery tickets, receipts, annuity orders or other orders, lost, burnt, or otherwise destroyed ; it was, amongst other things, enacted, That the bounties on the exportation of British and Irish coarse linens should continue to be paid in like manner and under the like regulations, as directed by the acts of the fifteenth and sixteenth, and of the eighteenth years of his Majesty's reign, from and after the twenty fifth day of March one thousand seven hundred and fifty, for and during the further term of three years, and from thence to the end of the then next session of parliament ; and that the same should be paid out of such part of the old subsidy as is applicable to the payment of incidents : and whereas the manufacture of coarse linens hath been increased and improved in Great Britain and Ireland, and it may reasonably be presumed that the manufacture of such linens may be carried on in places where the same hath been established, and elsewhere, without the further continuance of any such bounty on the exportation thereof : and whereas under the directions of the commissioners and trustees for improving fisheries and manufactures in Scotland, some progress hath been made in the manufactures of linens in the highlands of Scotland ; for the better civilizing and improving whereof, several provisions have been made in this present parliament manifestly conducive to the publick tranquility and welfare : and whereas the encouragement of the manufacture of coarse linens in those parts of the said highlands, wherein the manufacture of linens hath either not been already established, or hath not already been advanced to any considerable degree of perfection, will be a further means of improving and civilizing the said highlands ; and the success of any provision for that purpose, will tend to the general good of the whole united kingdom, and also of Ireland ; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That from and after the expiration of the term for which the bounties on the exportation of British and Irish coarse linens by the said herein before-recited acts are granted, continued and made payable, the sum of three thousand pounds be paid yearly and every year for the space of nine years, to the cashier of the said commissioners and trustees for improving fisheries and manufactures in Scotland, to be charged and chargeable upon, and pay- After the ex-piration of the  
 exportation of British and Irish coarse linens, the annual sum of able

3000l. to be paid for nine years out of the duties in Scotland, for encouraging, &c. the manufac-tures of linens in the highlands.

To what uses the said sum is to be applied.

No part to be applied in encouraging the manufacture of sail cloth.

How the said sum is to be issued.

23 Geo. I. c. 30.

Commission-  
ers yearly to  
make up ac-  
counts of the  
monies, and  
report their  
proceedings.

able out of any the customs, duties, excises, or other revenues in *Scotland*, introduced by virtue of the treaty of union, or to which the subjects of *Scotland* are or shall be liable; and to be applied by the said commissioners and trustees for encouraging and improving the manufacture of linens in the highlands of *Scotland* only, and only in those parts thereof, wherein the manufacture of linens hath either not been already introduced, or if the same hath been introduced, have not yet arrived to any considerable degree of perfection.

II. Provided always, That no part of the said annual sum of three thousand pounds shall be applied by the said commissioners and trustees, for any other use or purpose whatsoever, than for instructing and exciting the inhabitants of that part of *Scotland*, to raise, prepare and spin, flax and hemp to be used in the manufacture of coarse linen, and to weave yarn there spun into such linen, and for providing the said inhabitants with fit materials and utensils for those purposes, and for distributing rewards and prizes to the growers, preparers and spinners of such flax and hemp, and to the weavers and other manufacturers of such linen, in respect to the quantity or excellence of the flax or hemp so raised and prepared, and of the yarn so spun, wove, or otherwise manufactured; and for such other like uses, as by the said commissioners and trustees shall be thought proper for promoting the true intent of this act.

III. Provided also, That no part of the said annual sum of three thousand pounds shall be applied by the said commissioners and trustees for encouraging or improving within the limits of the said highlands, the manufacture of sail cloth, or of any such linens as under the denomination of sail cloth are or may be intitled by law to any bounty on the exportation thereof.

IV. And be it enacted by the authority aforesaid, That the said annual sum of three thousand pounds shall be paid for the purposes of this act, at such times, and by such warrants and orders, and in such manner, as the annual sum of two thousand pounds, and the surplussage of the duty on malt made in *Scotland*, are by an act made in the thirteenth year of the reign of his late majesty King George the First, (intituled, *An act for encouraging and promoting fisheries and other manufactures and improvements, in that part of Great Britain called Scotland*) or by letters patent under the great seal, appointed by the treaty of union to be kept in *Scotland*, in place of the great seal thereof, directed to be paid.

V. And be it further enacted by the authority aforesaid, That the said commissioners and trustees shall yearly and every year, at the feast of the nativity of our Lord Christ, make up a faithful and exact account of the monies received and issued by their orders, together with a faithful and true report of their proceedings in the execution of the trust hereby reposed in them, and shall within the space of thirty days lay the said account and report before his Majesty, his heirs or successors, and shall, within the like space of thirty days, lay true copies of the said account,

account and report before the annual committee of the convention of the royal boroughs of *Scotland*, that they may peruse and examine the same, and lay before his Majesty, his heirs and successors, from time to time, such observations as they shall make thereon.

I. And be it further enacted by the authority aforesaid, That At Christmas the said commissioners and trustees shall, at the feast of the nativity of our Lord Christ in the year one thousand seven hundred and fifty three, propose and lay before his Majesty, his heirs and successors, a plan or method for the application and distribution of the said sum of three thousand pounds hereby granted, according to the true intent and meaning of this act; which plan or method being approved, altered or varied by his Majesty, his heirs or successors, by writing under his or their sign manual, shall be in force and put into execution, until the same shall be altered or varied in like manner and by like authority.

VII. Provided, That it shall and may be lawful to and for the said commissioners and trustees, in any other year, during the continuance of this act, at the said feast to propose and lay before his Majesty, his heirs and successors, any other plan or method for the like purpose; which plan or method being in like manner approved, altered or varied by his Majesty, his heirs or successors, shall be in force and put into execution, until the same shall be in like manner altered or varied by like authority.

### C A P. XXI.

*An act for encouraging the silk manufactures of this kingdom, and for securing the duties payable upon the importation of velvets, wrought silks, and silks mixed with other materials, not manufactured in Great Britain.*

WHEREAS the payment of the duties charged and made payable by divers acts of parliament, upon the importation of velvets, wrought silks, and silks mixed with other materials not manufactured in Great Britain, is frequently evaded by the subtle and fraudulent practices of evil-disposed persons, to the great discouragement of the silk manufactures of this kingdom, and the loss of his Majesty's revenue: therefore for preventing such frauds and abuses for the future, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That all velvets, wrought silks, and silks mixed with any other materials, (such velvets, wrought silks, and silks mixed with any other materials, not being manufactured in Great Britain, and such wrought silks or silks mixed as aforesaid, not being prohibited to be worn therein) which shall be imported into this kingdom after the twenty ninth day of September one thousand seven hundred and fifty three, shall, after the same have been entered at the custom-house, and they are discharged by the officers, and delivered into the custody

1753, the commissioners to lay a plan for the application of the said sum before his Majesty;

and in any other year they may lay any other plan for the like purpose.

Velvets, wrought silks, &c. to be sealed before delivery from the custom house at each end of the piece.

custody of the importer or his agent, be marked or sealed at each end of every piece with such mark or seal, and by such officer or officers, as the respective commissioners of the customs in Great Britain shall direct and appoint for that purpose.

**Exporter of** the said goods from and after the said twenty ninth day of September every year to give notice to the officer of the customs, when the same will be packed up; such goods are shipped in order to be exported, give notice to the proper officer or officers to be appointed for that purpose by the respective commissioners of the customs in Great Britain, when and where he will pack up the said goods in order to be exported, and the said commissioners of the customs are hereby empowered and required to cause such officer or officers to take care that such seals, stamps or marks be taken off from every piece so intended to be exported, without fee or reward; and no person shall be intitled to the drawback allowed upon the exportation of such velvets, wrought silks or silks mixed as aforesaid, unless he shall have given such notice as herein before is directed, and until such seals, stamps or marks shall be taken off by the proper officer or officers as aforesaid.

**Velvets and wrought silks, &c. found without the seals may be seized;**

and be sold. One moiety to the crown, and the other to the seizer;

and the person in whose custody, &c. to forfeit 200l.

The goods so seized not to

**III.** And be it further enacted by the authority aforesaid, That from and after the twenty ninth day of September one thousand seven hundred and fifty four, in case any velvets, wrought silks or silks mixed with any other materials (such velvets, wrought silks or silks mixed with any other materials, not being manufactured in Great Britain, and such wrought silk or silks mixed as aforesaid, not being prohibited to be worn therein) shall be found in any shop, warehouse or other place whatsoever upon land within this kingdom, not being marked or sealed as herein before directed upon both ends of every whole and intire piece, or upon one end of every remnant of such velvet, wrought silk or silk mixed as aforesaid, the same shall be forfeited, and shall and may be seized by any officer or officers of the customs, and secured in some or one of his Majesty's warehouses; and such officer or officers is and are hereby indemnified for so doing; and all such velvets, wrought silks or silks mixed as aforesaid, so seized and secured, shall after condemnation thereof in due course of law, be publickly sold to the best bidder, and one moiety of the produce arising by the sale of such velvets, wrought silks or silks mixed as aforesaid, shall be to the use of His Majesty, his heirs and successors, and the other moiety, to the officer or officers who shall seize and secure the same as aforesaid; and the person in whose custody or possession the goods so seized and secured shall be found, shall also for every such offence forfeit the sum of two hundred pounds, to be recovered and divided in manner herein after directed.

**IV.** And be it further enacted by the authority aforesaid, That no velvets, wrought silks or silks mixed with any other materials,

rials as aforesaid, which after the twenty ninth day of September be used in this one thousand seven hundred and fifty four, shall be seized and forfeited by virtue of this act, or for any other caufe of forfeiture, shall be consumed or used in this kingdom, but shall be exported again, and not sold otherwise than on condition to be exported, and shall not be delivered out of the warehouse wherein the same shall have been secured, until sufficient security be given that the same and every part thereof shall be exported, and not landed again in any part of Great Britain.

V. And be it further enacted by the authority aforesaid, That if any person or persons shall at any time forge or counterfeit any stamp, mark or seal, to resemble any stamp, mark or seal which shall be provided or used in pursuance of this act, or shall forge or counterfeit the impression of any such stamp, mark or seal upon any goods required by this act to be stamped, marked or sealed, or shall sell or expose to sale any of the said goods with a counterfeit stamp, mark or seal thereon, knowing the same to be counterfeited, all and every such offender or offenders, their aiders, abettors and assistants, shall for each and every such offence forfeit the sum of five hundred pounds, and shall also be adjudged to stand on the pillory in some publick place for the space of two hours.

VI. And be it further enacted by the authority aforesaid, That all pecuniary penalties and forfeitures by this act imposed, shall and may be sued for and recovered in any of his Majesty's courts of record at Westminster, or in the court of exchequer at Edinburgh respectively, by action, bill, plaint or information, in the name of his Majesty's attorney general, or in the name of his Majesty's advocate in Scotland, or in the name or names of some officer or officers of the customs; and that one moiety of the crown, the every such penalty and forfeiture shall be to his Majesty, his heirs and successors, and the other moiety thereof to the officer or officers of the customs who shall inform and prosecute for the same.

VII. Provided always, and it is hereby further enacted, That if any officer or officers of the customs shall neglect or refuse, for the space of one month, to prosecute to effect any person or persons for any pecuniary penalty or forfeiture by this act inflicted upon offenders against the same, that then it shall be lawful for any person or persons whomsoever to sue for, prosecute and recover the respective pecuniary penalties and forfeitures by this act inflicted, in like manner as is herein before directed with regard to the officers of the customs; and one moiety of the said respective forfeitures, when recovered, shall in such case be applied to the use of his Majesty, his heirs and successors, and the other moiety to the person or persons who shall sue or prosecute for the same respectively.

VIII. And be it further enacted by the authority aforesaid, That upon every action, bill, plaint or information entered and issued upon filed as aforesaid, for any pecuniary penalty imposed by this act, a Capias in the first process shall and may issue, specifying the

Defendant to the sum of the penalty sued for; and the defendant or defendants shall be obliged to give sufficient bail or security by natural-born subjects, persons naturalized or denizens, to the person or persons to whom such *Capias* shall be directed, to appear in the courts out of which such *Capias* shall issue at the day of the return of such *writ*, to answer such suit or prosecution, and shall likewise, at the time of such appearance, give sufficient bail or security by such persons as aforesaid in the said court, to answer and pay all the forfeitures and penalties incurred for such offence or offences, in case he, she or they shall be convicted thereof, or to yield his, her or their body or bodies to prison.

**IX.** And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, the defendant or defendants in such action or suit may plead the general issue, and give this act, and the special matter in evidence, at any trial to be had thereupon; and that the same was done in pursuance, and by authority of this act: and if it shall appear so to have been done, then the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action, after the defendant or defendants shall have appeared; or if judgment shall be given upon any verdict or demur against the plaintiff; the defendant or defendants shall recover treble costs, and have the like remedy for the same as defendants have in other cases by law.

#### Treble costs.

Proof where  
the goods  
were manu-  
factured, to lie  
on the claim-  
er.

**X.** And be it further enacted by the authority aforesaid, That if any velvets, wrought silks, or silks mixed as aforesaid, shall be seized by virtue and in pursuance of this act, and any doubt or question shall arise, where the said velvets, wrought silks, or silks mixed as aforesaid, were manufactured, the proof shall lie upon the owner or claimer thereof, and not upon the prosecutor, any law, usage or custom to the contrary notwithstanding.

## C A P. XXII.

*An act for the purchase of the Museum, or collection of Sir Hans Sloane, and of the Harleian collection of manuscripts; and for providing one general repository for the better reception and more convenient use of the said collections; and of the Cottonian Library, and of the additions thereto.*

#### Will of Sir Hans Sloane.

**W**HÈRÈAS Sir Hans Sloane of Chelsea in the county of Middlesex baronet, having, through the course of many years, with great labour and expence gathered together whatever could be procured either in our own or foreign countries, that was rare and curious, did, by a codicil bearing date the twentieth day of July in the year of our Lord one thousand seven hundred and forty nine, and annexed to his last will and testament, after having expressed his will, and desire that his collection, in all its branches, might be, if it were possible, kept and preserved together whole and intire, in his house in the parish of Chelsea, give, devise and bequeath, to certain trustees

trustees therein named, all that his collection or Museum, at, in or about his ſaid manor house, conſifting of all his library of books, drawings, manuscripts, prints, medals and coins ancient and modern, antiquities, ſeals, cameas and intaglios, precious ſtones, agates, jaspers, vefſels of agate and jasper, chryſtals, mathematical instruments, drawings and pictures, and all other things in the ſaid collection or Muſeum, more particularly deſcribed and numbered, with ſhort histories or accounts of them, with proper references, in certain catalogues by him made, containing thirty eight volumes in folio, and eight volumes in quarto, (except ſuch pictures as are not marked with the word collection) to have and to hold to them and their ſucceſſors and affigns for ever, for ſuch purpoſes, and with ſuch powers, and under ſuch reſtrictions, as in the ſaid codicil are expreſſed; willing and deſiring thereby, that the ſaid trustees, or any ſeven or more of them, ſhould make their bumble application to his Maſteſty, or to parliament, at the next ſeſſion after his deceafe, as ſhould be thought moſt proper, in order to pay the full and clear ſum of twenty thouſand pounds, of laicel money of Great Britain, unto his executors, or the ſurvivors of them, within twelve months after his deceafe, in coniideration of the ſaid collection or Muſeum; and alſo to obtain ſufficient and effectual powers and authorities for viſiting in the ſaid trustees, all and every part of his ſaid collection or Muſeum before-mentioned, in all its branches; and alſo his ſaid capital manor house, with ſuch gardens and out-houſes as ſhould therunto belong and be uſed by him, at the time of his deceafe, and alſo the water of or belonging to his manor of Chelſea coming from Kenſington; and alſo obtain a ſufficient fund or provision for maintaining and taking care of his ſaid collection and premiſſes, and for repairing and ſupporting his ſaid manor house, water-work and premiſſes; but in caſe payment of the ſaid ſum of twenty thouſand pounds, ſhould not be bid and obtained, and made unto his executors, or the ſurvivors of them, within twelve months next after his deceafe, and no ſuch aet of parliament ſhould be obtained, for ſettling, preſerving, eſtabliſhing, maintaining and continuing, his ſaid collection and premiſſes, in ſuch manner as in his ſaid codicil is expreſſed, then and not otherwife, his will was and he did in ſuch caſe thereby direcť, That his ſaid executors, or the ſurvivors of them, ſhould, for the like ſum of twenty thouſand pounds, ſell and diſpoſe of all and every part of the ſaid collection and Muſeum, as before deſcribed, together with the catalogues thereto belonging, for the uſe of the ſeveral foreign academies therein deſcribed, and in the manner therein mentioned; and that in caſe the ſaid offer ſhould not be accepted by either of the ſaid foreign academies, his executors, or the ſurvivors of them, ſhould be at liberty with all convenient ſpeed to ſell and diſpoſe of all and every part of his ſaid Muſeum or collection in the moſt ſpeedy and advantageous manner; and that the monies arising by ſale or diſpoſition ſhould be conſidered as part of his perſonal estate; and further his will was, and he did thereby direcť, That in caſe his ſaid collection ſhould be ſold or diſpoſed of to either of the ſaid foreign academies, or in caſe of their refuſal or non-acceptance by his executors, or the ſurvivors of them, that then his ſaid manor house and gaſten, with the appurtenances and the water, ſhould go and belong to

to ſuch perſon or perſons, and in ſuch manner, as he had given and devised the reſt of his manors, lands and tenements at Chelſea, or elsewhere, as by the ſaid codicil, relation being thereto had, may more fully and at large appear: and whereaſ the ſaid Sir Hans Sloane having, by ſeveral other codicils of a ſubsequent date annexed to his ſaid will, added to the number of the ſaid trustees, did, on or about the eleventh day of January one thouſand feuer hundred and fifty-three, depart this life: and whereaſ the ſaid trustees, or feuer or more of them, have, puruant to the will and intention of the ſaid Sir Hans Sloane, in this ſeſſion of parliament, being the next ſeſſion after his deceafe, made their application for payment of the ſaid ſum of twenty thouſand pounds in conſideration of the ſaid collection or Muzeum: and whereaſ the ſaid trustees at a general meeting assembled have conſented to the removal of the ſaid Muzeum or collection from the manor house at Chelſea, to any proper place within the cities of London or Westminster, or the suburbs thereof, if ſuch removal ſhall be judged moſt advantageous to the publick, ſo as the ſaid collection be preſerved intire without the leaſt diminution or separation, and be kept for the uſe and benefit of the publick, with free acceſs to view and perufe the ſame at all ſtafed and convenient ſeafons, agreeable to the will and intentions of the uſtator, and under ſuch reſtrictiuns as the parliament ſhall think fit: and whereaſ the ſaid Muzeum or collection of Sir Hans Sloane is of muſt greater intrinſick value than the ſum of twenty thouſand pounds: and whereaſ all arts and ſciences have a connexiun with each other, and discoveries in natural philosophy and other branches of ſpeculative knowledge, for the advancement and improvement whereof the ſaid Muzeum or collection was intended, do and may, in many iſtances, give help and ſuſſis to the moſt uſeful experiments and inventions: therefore, to the end that the ſaid Muzeum or collection may be preſerved and maintained, not only for the inspection and entertainment of the learned and the curious, but for the general uſe and benefit of the publick; may it please your moſt excellent Maſteſty that it may be enacted, and be it enacted by the King's moſt excellent maſteſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent parliament assembled, and by the auſthority of the fame, That out of all or any of the monies to be paide to the ex-ecutors of Sir Hans Sloane for his muſeum, &c.

20,000 l. to be paide to the ex-ecutors of Sir Hans Sloane for his muſeum, &c.

for the ſaid Muzeum or collection herein before deſcribed, and for the uſe of the ſaid manor house and garden, with their appurtenances, and of the ſaid water, until a more convenient repository, more durable and more ſafe from fire, and nearer to the chief places of publick reſort, shall be proవided for the reception of the ſaid Muzeum or collection, in manner herein after-mentioned.

12 & 13 W. 3. c. 7. II. And whereaſ by an act made in the twelfth and thirteenth years of the reign of King William the Third, intituled, An act for the better ſettling and preſerving the library kept in the houle at Weſt-

*Westminster, called Cotton House, in the name and family of the Cottons, for the benefit of the publick, reciting, That Sir Robert Cotton, late of Connington in the county of Huntingdon, baronet, did, at his own great charge, and by the assistance of the most learned antiquaries of his time, collect and purchase the most useful manuscripts, written books, papers, parchments, records and other memorials, in most languages, of great use and service for the knowledge and preservation of our constitution both in church and state; and further reciting, That the said library had been preserved with the utmost care by Sir Thomas Cotton, son of the said Sir Robert, and by Sir John Cotton then living, grandson of the said Sir Robert; and had been very much augmented by them, and lodged in a very proper place in the said Sir John's ancient mansion-house at Westminster, for publick use and advantage; it was enacted, That the said mansion-house, with the garden, and all other appurtenances, and also the said library, should be vested in trustees in the said act named, and their successors, for ever, for the purposes therein mentioned; and as, for and concerning the said library, and the room wherein the same was or should be contained, together with a convenient passage for resorting thereto, upon this trust and confidence, that the said trustees and their successors should from time to time, and at all times thereafter, as occasion should require, inspect, consult and take care of the said library, and other particulars above mentioned, and also make and appoint such orders and rules as they should think proper for the reading and using the same, and for their better preservation, and to the intent and purpose that the said trustees or the major part of them, should nominate and appoint a good and sufficient person, well read in antiquities and records, to have the immediate care and custody of the said library: and whereas by an act made in the fifth year of the reign of Queen Anne, intituled, An 5 Ann. c. 30. act for the better securing her Majesty's purchase of Cotton House in Westminster; reciting the said former act made in the twelfth and thirteenth year of the reign of King William the Third; and also reciting, that since the making of the said act very little had been done in pursuance thereof to make the said library useful to the publick, except what had been then lately done at her Majesty's charge, and that there was no way or passage to it set out, as the said act did direct, nor could there be any way or passage to the same, but through the best rooms of the house, which would render the house wholly useless to the family, so that the library could not be resorted unto; nor had any orders or rules been appointed for reading or using the same, and thereby the publick was wholly deprived of the benefit designed by the said act; and that the place wherein the said library was then contained, was a narrow little room, damp and improper for preserving the books and papers; and that her Majesty, to the intent so great a treasure of books and manuscripts, so generously given for the publick service, might not remain any longer useless, and in danger of perishing for want of due care, and that it might be in her Majesty's power to make that most valuable collection useful to her own subjects, and all learned foreigners, had given directions for treating with the said Sir John Cotton for the purchase of the said Cotton*

ton House and garden; and that an agreement had been made for the purchasing the inheritance thereof for the sum of four thouſand and five hundred pounds, which her Maſteſty had directed to be paid, on the inveſting the inheritance of the premitſes in her Maſteſty, her heirs and ſucceſſors, which could not be done but by aet of parliament, the ſaid recited aet having directed it might not be ſold or aliened; it was therefore enacted, That the ſaid capital meſſuage called Cotton House, and the garden and builtings uſed and enjoyed with the ſame, with the appurtenances, ſhould be veſted in her Maſteſty, her heirs and ſucceſſors, and it was thereby further enacted and declared, That a conuenient room ſhould be built in or near part of the ſaid ground thereby intended to be veſted in her Maſteſty, as her Maſteſty, her heirs and ſucceſſors ſhould, by writing under the ſign manual, appoint; in which room, when built, all the ſaid manuscripts, written books, papers, parchments, records and other memorials, as alſo all coins, medals and other rarities and curioſities in the ſaid library contained, ſhould be lodged and there remain to all posterity; and that the ſaid room, when built, ſhould for ever be called and known by the name of the Cottonian Library; and that from the building thereof, the ſaid library ſhould be maṇaged and directed by the trustees therein named, as trustees to and for the uſe of the publick for ever: and whereas although the publick faſh hath been thus engaged to provide for the better reception and more conuenient uſe of the Cottonian Library, a proper repoſitory for that purpose hath not yet been prepared; for the want of which the ſaid library did in the year of our Lord one thouſand fev'n hundred and thirty one, ſuffer by a fire, which conuerged the house wherein the ſame was then placed, and what remains of the ſaid library ſtill continues in the room, to which upon the occation of the ſaid fire it was removed; and persons deſirous to view and conuult the treasure of books and manuscripts therein contained, cannot conveniently reſort therunto: and whereas Arthur Edwards, late of Saint George Hanover Square in the county of Middlesex eſquire, beeing deſirous to preſerve for the publick uſe the ſaid library, and to prevent the like accident for the future, did by his laſt will and teſtament, bearing date the eleventh day of June in the year of our Lord one thouſand fev'n hundred and thirty eight, and duly proved in the prerogative court of Canterbury, give, deuife and bequeath unto the trustees of the ſaid library the ſum of fev'n thouſand pounds (if his effects real and perſonall, not before diſpoſed of by that his will and teſtament, ſhould, after the deceaſe of miftris Elizabeth Milles, amount to ſo much) to erect in a proper ſituation ſuch a house as might be moſt likely to preſerve that library as muſch as can be from all accidents; but if it ſhould ſo happen that before this part of his will could take place there ſhould be erected ſuch a proper building for this uſe, then he did give, deuife and bequeath the aforſaid ſum of fev'n thouſand pounds to the ſaid trustees, to be emploied in purcaſhing ſuch manuſcripts, books of antiquities, ancient coins, medals and other curioſities, as might be worthy to increaſe and enlarge the ſaid library; and did also thereby give to the ſaid trustees of the ſaid library, to be placed in ſome by-roum or corner thereof, all his books, and the roum in which they were then placed, and alſo his pictures in his ſaid laſt will.

Will of Arthur  
Edwards, esq;

*will and testament described; which books, book cases and pictures, he did desire and require might be delivered and given as soon after his decease as might be, to be placed in the said library; and which, with the approbation of the said trustees, have been placed according to such desire in the said library;* be it enacted by the authority aforesaid,

*That when and as soon as the said legacy of seven thousand pounds shall on the decease of the said Elizabeth Milles become payable to the trustees of the Cottonian Library, the same shall be paid to the trustees by this act appointed, for the purposes herein after mentioned, or to such person or persons as by the said trustees, or the major part of them in any general meeting assembled, shall be authorized to receive the same, to be applied by the said trustees hereby appointed, either towards erecting or providing a proper repository for the Cottonian Library; or if such repository shall be erected or provided before the said legacy shall become payable as aforesaid, towards purchasing such manuscripts, books of antiquities, ancient coins, medals, and other curiosities, as may be worthy to increase and enlarge the said library; and that the acquittance of any person or persons authorized by the said trustees, or the major part of them in a general meeting assembled, to receive the said legacy of seven thousand pounds, shall be, and be accepted as a sufficient discharge to the executors and representatives of the said testator for the payment of the said legacy.*

The legacy of  
7000l. on the  
decease of  
Elizabeth  
Milles, to be  
applied by  
the trustees ap-  
pointed by  
this act.

*III. An i where as the right honourable Henrietta Cavendish Holles, countess of Oxford and countess Mortimer, relict of Edward earl of Oxford and earl Mortimer, and the most noble Margaret Cavendish dutchess of Portland their only daughter, have expressed their approbation of a proposal for the purchase of the valuable collection of manuscripts, collected by the said earl, and by Robert earl of Oxford and earl Mortimer his father, in consideration of the sum of ten thousand pounds, upon condition that the same shall be kept together in a proper repository, as an addition to the Cottonian Library, and be called by the name of the Harleian Collection of Manuscripts; be it further enacted by the authority aforesaid, That out of the monies to be raised by virtue of this act, the full and clear sum of ten thousand pounds shall be paid by order of the said trustees hereby appointed for the purposes herein after mentioned, to the trustees for the said earl and countess, to whom by an indenture quadruplicate, made the second day of August in the eleventh year of the reign of his present Majesty, and in the year of our Lord one thousand seven hundred and thirty seven, the said collection of manuscripts among other things was assigned for the purposes in the said indenture mentioned; the said collection of manuscripts to be placed and continued in the same repository in which the Cottonian Library is herein after directed to be placed; and until the said repository shall be erected or provided, in manner herein after mentioned, to be preserved in the place where the same is now lodged, or in some other convenient place to be approved by the said trustees by this act appointed, or the major part of them in a general meeting assembled, at the*

costs and charges of the said trustees for the said earls and counts, and of the survivors and survivor of them, and the executors, administrators and assigns of such survivor, and of the person or persons to whose use the said sum of ten thousand pounds shall be payable for the said collection.

Trustees for putting this act in execution.

IV. And be it further enacted by the authority aforesaid, That the archbishop of *Canterbury* for the time being, the lord chancellor or lord keeper of the great seal of *Great Britain* or the time being, the lord treasurer of *Great Britain*, or the first commissioner of the treasury for the time being, the lord president of the council for the time being, the lord privy seal for the time being, the lord high admiral of *Great Britain*, or the first commissioner of the admiralty for the time being, the lord steward of his Majesty's household for the time being, the lord chamberlain of his Majesty's household for the time being, the bishop of *London* for the time being, each of the principal secretaries of state for the time being, being a peer or lord of parliament, the speaker of the house of commons for the time being, each of the principal secretaries of state for the time being, not being a peer or lord of parliament, the chancellor of the exchequer for the time being, the lord chief justice of the court of king's bench for the time being, the master of the rolls for the time being, the chief justice of his Majesty's court of common pleas at *Westminster* for the time being, his Majesty's attorney general for the time being, his Majesty's solicitor general for the time being, the president of the royal society for the time being, the president of the college of physicians for the time being, together with the right honourable *Charles lord Cadogan*, and *Hans Stanely esquire*, and together with *Samuel Burroughs* and *Thomas Hart esquires*, two of the present trustees to the *Cottonian Library*, (having been so appointed by the heirs male of the body of the said Sir *Robert Cotton*, in pursuance of the said herein before recited acts made in the twelfth and thirteenth years of the reign of King *William the Third*, and in the fifth year of the reign of Queen *Anne*) and together with the most noble *William duke of Portland*, and the right honourable *Edward earl of Oxford* and *earl Mortimer*, shall be trustees for putting this act in execution, and that they, or the major part of them in a general meeting assembled, whereof the said archbishop of *Canterbury*, the lord chancellor or lord keeper, and the speaker of the house of commons, shall be three, shall, in such manner as they shall think fit, elect and nominate fifteen other persons to be associated to them in the execution of the trusts hereby in them reposed; which fifteen persons so elected and nominated shall be and continue for the term of their natural lives trustees for putting this act in execution, with the like power in all respects as hereby is given to the trustees herein before first appointed; and when any of the said trustees so elected and nominated shall die, the trustees herein before first appointed, and their successors, shall in like manner elect and nominate a fit person or persons to supply the place or places of him or them so dying, and so toites quoties

who are to appoint fifteen associates,

who are to continue trustees for life.  
Election of new trustees to be made in the room of such as shall die.

quoties any of the said trustees so elected and nominated, or others so elected and nominated to supply their places, shall happen to die.

V. Provided always, and be it enacted by the authority aforesaid, That when either the said *Charles lord Cadogan* or *Hans Stanley* shall die, it shall and may be lawful for the survivor to nominate another fit person to succeed the deceased in the place of a trustee so vacant; and after the decease of both of them (the said *Charles lord Cadogan* and *Hans Stanley*) it shall and may be lawful for the heirs male of their bodies, and upon failure of the heirs male of the body of either of them, to and for the heirs male of the body of the other of them, being of full age, or their respective guardian or guardians during their minority, to nominate a trustee for the purposes of this act, in the room of the person last nominated by the survivor of them; and so as often as any person supplying the place of the said *Charles lord Cadogan* or *Hans Stanley* shall happen to die.

VI. Provided also, and be it enacted by the authority aforesaid, That when either the said *Samuel Burroughs* or *Thomas Hart* shall die, it shall and may be lawful to and for *Frances Hanbury* widow and relict of *Francis Hanbury* esquire (which *Frances Hanbury* is the heir general of the said Sir *Robert Cotton*) and after her decease to and for the heirs male of her body, being of full age, and in default of such issue, to and for her first, second, third, fourth, and every other daughter severally, successively and in remainder one after another, in order and course as they respectively shall be in priority of birth, and the several and respective heirs male of the bodies of such daughters, being of full age, or the respective guardians of the heirs male of the said *Frances* and of her said daughters, during their minority, to nominate another fit person to supply the place of the deceased trustee, and so as often as any person supplying the place of either of the said trustees shall happen to die.

VII. Provided also, and be it further enacted by the authority aforesaid, That when either the said *William duke of Portland*, or the said *Edward earl of Oxford* and earl *Mortimer*, herein before appointed trustees for the purposes of this act shall die, it shall and may be lawful to and for the said countess of *Oxford* and countess *Mortimer*, and the said dutchess of *Portland*, or the survivor of them, and after the decease of the said countess and dutchess, to and for the heirs male of the body of the said dutchess, being of full age, or their guardian or guardians during their minority; and upon failure of such heirs male, to and for the heirs male of the body of *Edward* now earl of *Oxford* and earl *Mortimer*, being of full age, or their guardian or guardians during their minority, to nominate another fit person to supply the place of the said duke or the said earl; and upon the death of any person so supplying the place of either of them, to nominate another fit person in his stead, and so as often as any person so supplying the place of either of them shall happen to die.

VIII. And

Trustees so nominated, invested with like powers.

VIII. And be it declared and enacted by the authority aforesaid, That the trustees so to be nominated by the survivor of the said *Charles lord Cadogan* and *Hans Stanley*, and by the heirs male of the bodies of them, or either of them, or the respective guardians of such heirs male, in manner aforesaid, and by the said countess and dutches, or the survivor of them, or by such heirs male of the said dutches, or of the said now earl of *Oxford* and *Mortimer* as aforesaid, or by their guardian or guardians in manner aforesaid, shall have the like power in all respects in the execution of this act, as is hereby given to the trustees herein before first named and described.

A general repository to be provided for the reception of Sloane's museum, the Cottonian Library, Harleian Manuscripts, and Edward's additions.

IX. And be it enacted by the authority aforesaid, That within the cities of *London* or *Westminster*, or the suburbs thereof, one general repository shall be erected or provided in such convenient place, and in such manner, as the trustees hereby appointed, or the major part of them at a general meeting assembled shall direct, for the reception not only of the said *Museum*, or collection of Sir *Hans Sloane*, but also of the *Cottonian Library*, and of the additions which have been or shall be made thereunto by virtue of the last will and testament of the said *Arthur Edwards*, and likewise of the said *Harleian* collection of manuscripts, and of such other additions to the *Cottonian Library*, as with the approbation of the trustees by this act appointed, or the major part of them at a general meeting assembled, shall be made thereunto, in manner herein after mentioned, and of such other collections and libraries as with the like approbation shall be admitted into the said general repository; which several collections, additions and library so received into the said general repository, shall remain and be preserved therein for publick use to all posterity.

The museum to be kept entire.

X. Provided always, That the said *Museum* or collection of Sir *Hans Sloane* in all its branches, shall be kept and preserved together in the said general repository whole and intire, and with proper marks of distinction.

The Harleian collection to be an addition to the Cottonian Library. The museum to remain in the manor-house till a general repository be provided.

XI. Provided also, That the said *Harleian* collection of manuscripts shall be kept together in the said general repository, as an addition to the *Cottonian Library*.

XII. Provided always, That until the said general repository shall be erected or provided in manner before-mentioned, the said collection or *Museum* of Sir *Hans Sloane* shall remain in his said manor-house for publick use, under the care of such person or persons as by the said archbishop of *Canterbury*, lord chancellor, or lord keeper, and the speaker of the house of commons, or any two of them, shall be nominated for that purpose, with such salary or salaries, and allowances for attending and preserving the same, as by all the trustees by this act appointed, or the major part of them in a general meeting assembled, shall be limited and directed; and the said *Museum* or collection shall there be visited and seen by all persons desirous to view the same, under such rules as by the said trustees, or the major part of them in like manner assembled, shall be established;

ed; and that until the said *Museum* or collection shall be removed to the said general repository hereby intended to be erected or provided, the expence of preserving the said *Museum* or collection, and of repairing and supporting the said manor-house and premises, shall be defrayed by the said trustees out of such monies as shall be payable to them for that purpose by virtue of this act.

XIII. Provided also, and be it enacted by the authority aforesaid, That when and as soon as the said *Museum* or collection shall be removed into the said general repository, then and from thenceforth the said manor-house and garden, with their appurtenances and water, shall go and belong to such person or persons, and in such manner, as the said Sir *Hans Sloane* hath given and devised the rest of his said manors, lands and tenements at *Chelsea* or elsewhere. When the museum shall be removed, the manor-house, &c. to go with the otherlands devised by Sir Hans Sloane.

XIV. And be it further enacted by the authority aforesaid, That for the better execution of the purposes of this act, the said trustees hereby appointed shall be a body politick and corporate in deed and name, and have succession for ever, by the name of *The trustees of the British Museum*; and by that name shall sue and be sued, implead and be impleaded, in all courts and places within this realm; and shall have power to have and use a common seal to be appointed by themselves; and to make by-laws and ordinances for the purposes of this act; and to assemble together when, where and as often, and upon such notice as to them shall seem meet, for the execution of the trust hereby in them reposed; and shall also have full power, capacity and ability to purchase, take, hold and enjoy, for the purposes of this act, as well goods and chattels, as lands, tenements and hereditaments, so as the yearly value of such lands shall not exceed five hundred pounds above all charges and reprises; the statute of *Mo<sup>r</sup>tmain*, or any other statute and law to the contrary thereof in any wise notwithstanding.

XV. And be it further enacted by the authority aforesaid, That the trustees so appointed and incorporated by this act, or from time to time, and as often as they shall think fit, make, constitute and establish such statutes, rules and ordinances for the custody, preservation and inspection of every part of the several collections hereby intended to remain in the said general repository, as to them shall seem meet; and shall and may in like manner assign such salaries and allowances as they shall think fit to the officers and servants, who in manner herein after mentioned shall be appointed to attend and assist in the care and preservation of the several collections contained in the said general repository; and shall and may at their pleasure in like manner suspend or remove any such officer or servant for misbehaviour or neglect of duty. Trustees incorporated by this act, or from time to time, and as often as they shall think fit, make, constitute and establish such statutes, rules and ordinances for the custody, preservation and inspection of every part of the several collections contained in the said general repository; and to appoint salaries to their officers.

XVI. And be it enacted by the authority aforesaid, That the principal librarian, to whom the care and custody of the said general repository shall be chiefly committed, shall from time to time be nominated and appointed in manner following; that is to Nomination of the principal librarian.

to say, the said archbishop of *Canterbury*, lord chancellor or lord keeper, and the speaker of the house of commons, or any two of them, shall recommend to his Majesty, his heirs and successors, two persons, each of whom they shall judge fit to execute the said office; and such of the said two persons so recommended as his Majesty, his heirs and successors, by writing under his or their sign manual shall appoint, after he shall become bound to the said trustees by this act appointed, for the due and faithful discharge of his office, in such penal sum not being less than one thousand pounds, as the said trustees at any general meeting assembled, or the major part of them, shall think proper, shall have and hold the said office during such time as he shall behave well therein.

**Nomination of  
the rest of the  
officers.**

XVII. And be it further enacted by the authority aforesaid, That the rest of the officers and servants whose attendance and assistance shall be necessary in the care and preservation of the said general repository, shall from time to time be nominated and appointed by the said archbishop of *Canterbury*, lord chancellor or lord keeper, and the speaker of the house of commons, or any two of them.

**No officer's  
place to be  
supplied by a  
deputy.**

XVIII. Provided always, That no such person to whom the care and custody of the said general repository shall be chiefly committed, nor any of the rest of the said officers or servants, unless in cases of occasional sickness, or other necessary cause of absence, to be approved by the said archbishop of *Canterbury*, lord chancellor or lord keeper, and the speaker of the house of commons, or any two of them, shall be permitted to supply his place by a deputy.

**Assistants and  
subordinate  
officers.**

XIX. Provided nevertheless, That the person, to whom in manner aforesaid the care and custody of the said general repository shall be chiefly committed, shall and may be assisted by such subordinate officers and servants, as in manner aforesaid shall be appointed continually to assist him in the execution of his duty.

**Museum, &c.  
vested in the  
trustees.**

XX. And be it further enacted by the authority aforesaid, That the said *Museum* or collection of Sir *Hans Sloane*, from and after payment of the said sum of twenty thousand pounds, and the said manor-house and garden, with the appurtenances and water, until the said *Museum* or collection shall be removed to the said general repository; and also the said *Cottonian library* and additions thereunto; and the said *Harleian* collection of manuscripts, from and after payment of the said sum of ten thousand pounds; and the said general repository, when the same shall be erected or provided for the use thereof, shall be vested in the said trustees by this act appointed, and their successors, for ever; upon this trust and confidence nevertheless, That a free access to the said general repository, and to the collections therein contained, shall be given to all studious and curious persons, at such times and in such manner, and under such regulations for inspecting and consulting the said collections, as by

the

the said trustees, or the major part of them in any general meeting assembled, shall be limited for that purpose.

XXI. And be it further enacted by the authority aforesaid, His Majesty That it shall and may be lawful to and for his Majesty, his heirs and successors, at any time hereafter, by letters patent or indenture under the great seal of Great Britain, to give and grant unto the said trustees and their successors in perpetuity, for the general repository purposes of this act, the right or use in or of any room, messuage or building, or rooms, messuages or buildings, with the appurtenances, or any ground or site, requisite for the erection of the said general repository, or for making any addition thereto; any restrictions, or matter or thing contained in an act of parliament made in the first year of the reign of her late majesty Queen Anne, intituled, *An act for the better support of her Majesty's household, and of the honour and dignity of the crown*; or any other law or statute in any wise notwithstanding.

XXII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for all bodies politick and corporate, and corporate, trustees, mortgagees and feoffees in trust, guardians and committeees for infants, lunaticks and ideots, executors and administrators whatsoever, and to and for all feme covert, who are or shall be seised of any lands, tenements or hereditaments, in their own right, and to and for all and every other person and persons whomsoever who are or shall be seised, possessed of or interested in any lands, tenements or hereditaments, to sell and convey to the said trustees and their successors, or to such person or persons as they, or the major part of them at any general meeting assembled, shall appoint, all such lands, tenements, hereditaments, estates and interests, or any part thereof, as the said trustees, or the major part of them, shall purchase, for the purpose of erecting or providing such general repository as aforesaid; and all contracts, agreements, sales and conveyances which shall be made by any such bodies politick or corporate, or collegiate, or other persons aforesaid, shall be valid and effectual to all intents and purposes; any law, statute, usage, or any other matter or thing to the contrary notwithstanding: and that every such sum of money as shall be paid for the purchase of any lands, tenements or hereditaments, to or for the use of any such body politick or corporate, or other person as aforesaid, shall be respectively laid out in the purchase of lands, tenements and hereditaments, and settled to and upon, and subject to such titles, uses, trusts, limitations, remainders and contingencies, as the said lands, tenements and hereditaments, purchased by the said trustees, were settled, limited and assured at the time of such purchase, and shall be held and enjoyed accordingly: and that until such purchases shall be made, the money shall be vested in some of the publick funds, or government securities, at interest, which shall be paid to or for the use of such person or persons as would have been intitled to the rents and profits of such lands, tenements and hereditaments.

Reservation to  
all other per-  
ſons intereſted  
in their rights  
to

**XXIII.** Saving nevertheless to his Maſtrey, his Heirs and ſuc-  
cessors, and to all and every person and persons, bodies politick  
and corporate, their heirs and ſuccessors, executors or admi-  
nistrators, other than and except the trustees and visitors by the  
faid Sir Hans Sloane appointed by his codicil herein before re-  
cited, and other than and except the trustees of the *Cottonian*  
library, and the trustees for the faid countefs of *Oxford* and  
countefs of *Mortimer*, all ſuch right, title, estate or interest in or  
to the premiffes hereby vested in the trustees by this act appoint-  
ed, and their ſuccessors, as they or any of them had or might  
enjoy if this act had not been made; any thing herein con-  
tained to the contrary thereof in any wife notwithstanding.

300,000 l. to  
be raised for  
the purpoſes  
of this act,  
and natives or  
foreigners  
may contri-  
but e thereto.

**XXIV.** And for raiſing money to ſatisfy and diſcharge the  
feveral ſums that will be neceſſary for the purpoſes afore-men-  
tioned, be it enacted by the authority aforesaid, That it ſhall and  
may be lawfuſ for any person, native or foreigner, or body politick or corporate, to contribute or advance for or towards raiſing a ſum not exceeding three hundred thouſand pounds in the  
whole, by paying at or before the reſpective days or times here-  
in after appointed in that behalf, unto ſuch receivers as ſhall be  
in purfuance of this act appointed for that purpose, or one of  
them, the ſum of three pounds, or divers entire ſums of three  
pounds, ſo as no person, or body politick or corporate, ſhall be  
allowed to contribute more than twenty ſuch entire ſums; for  
which ſum or ſums ſo advanced every ſuch contributor ſo ad-  
vancing the fame ſhall be intitled to receive, by virtue of this  
act, ſuch ſum or ſums of money as is or are hereby direceted or  
appointed; and every ſuch ſum of three pounds ſhall be paid to  
ſuch receivers, or one of them, at ſuch office as ſhall be ap-  
pointed by the faid receivers for that purpose (of which appoint-  
ment publick notice ſhall be given in the *London Gazette*) in  
manner following; that is to ſay, one pound, part of every ſuch  
ſum of three pounds, shall be paid on or before the twenty-  
fifth day of *July* one thouſand ſeven hundred and fifty three,  
and the remaining two pounds on or before the twenty-sixth  
day of *October* following.

Managers of the lottery appointed. Books to be prepared by them with  
3 columns, and 50,000 printed tickets. Form, &c. of the tickets. Four  
of the managers to be appointed receivers of the contributions. There  
ſhall be printed 50,000 tickets, 4,159 tickets ſhall be the fortunate tickets,  
*viz.* 1 10,000l. 1 5,000l. 2 2,000l. 10 1,000l. 15 500l. 130 100l.  
1,000 50l. 3,000 10l. which, with 20l. to the firſt drawn ticket, and  
300l. to the laſt drawn ticket, will amount to 100,000l. which, together  
with the like ſum payable in reſpect of the correfponding tickets, amount  
together to 200,000l. Drawing of the lottery to be on 26 Nov. 1753.  
Receivers may take in the contributions, not exceeding 20 from one per-  
son; and are to exhibit an account of the monies received and diſburſed.

100l. allowed  
to each of the  
managers,

**XXXIX.** And be it further enacted by the authority aforesaid,  
That out of the monies to be contributed by this act it ſhall  
and may be lawfuſ for ſuch archbiſhop, lord chancellor or lord  
keeper, and ſpeaker, or any two of them, in like manner to  
cause

cause payment to be made made to each and every of the said managers and directors of the sum of one hundred pounds each, for and in consideration of their labour or trouble in the execution of the several matters herein before directed to be by them done and performed; and over and above the same allowance, and 100l. ex-  
traordinary to the receivers,  
receivers of the sum of one hundred and fifty pounds for his la-  
bour and trouble in executing the said office of receiver; and also the further sum of one hundred pounds to each of the per-  
sons hereby appointed to make and deliver certificates in ex-  
change for the tickets in the said lottery, in manner herein after the tickets. making out certificates for  
mentioned, for their respective labour and trouble in making out and delivering such certificates; and that all the residue of Residue of  
the money arising and to be contributed by virtue of this act, the money,  
and paid into the bank of England, for the purposes of this act, after payment  
of the prizes, &c. to be  
of England, or money sufficient reserved for the payment of the lodged in the  
sum and sums of money hereby directed to be issued to the pro-  
prietors of the fortunate tickets in the lottery hereby established,  
and other the allowances to be made pursuant to this act, shall  
be from time to time paid out of the bank of England, in such  
manner and in such proportions, and to such person or persons,  
as the said trustees, or the major part of them, at any general  
meeting assembled, by their order in writing shall direct and ap-  
point; and the said governor and company of the bank of Eng-  
land are hereby directed to make payment of all such sums of  
money, as by the said archbishop, lord chancellor or lord keeper,  
and speaker, or any two of them, in manner aforesaid, or by  
the said trustees, or the major part of them, in manner herein  
after-mentioned shall be ordered to be paid, and shall suffer such  
person or persons as the said trustees, or the major part of them,  
at any general meeting assembled shall appoint for that purpose  
by writing, to inspect the accounts thereof; all which payments  
so to be made for or in respect of the lottery established by this  
act, shall be free from any rates, taxes, duties or impositions  
whatsoever.

and to be issued to trustees orders.

XL. And be it further enacted by the authority aforesaid, That no person or persons shall sell the chance or chances of any ticket or tickets in the said lottery for a day or part of a day, or for a longer time than shall be less than the whole time of drawing the lottery; or shall receive any money whatsoever in consideration of the repayment of any sum or sums of money, in case any ticket or tickets in the said lottery shall prove fortunate, or shall lay any wager relating to the drawing of any ticket or of laying or tickets in the said lottery, either as to the time of such ticket wagers ~~that~~ or tickets being drawn, or whether such ticket or tickets be drawn ~~ing to the~~ fortunate ~~or~~unfortunate: and all and every person and persons who shall offend in any of the afore-mentioned matters, shall forfeit and pay double the sum and sums of money which shall have been received by such person and persons, contrary to the true intent and meaning of this act, to be recovered by action of

Application  
of the forfei-  
ture.

Penalty of  
keeping an of-  
fice, or pub-  
lishing any  
ſcheme, &c.

Penalty on  
persons who  
ſhall ſell or  
buy tickets,  
&c. after 24  
Nov.

Application of  
the penalties.

of debt, bill, plaint or information in any of his Majesty's courts of record at *Westminster*, in which no effoin, protection, privilege or wager of law, or more than one imparlance shall be allowed; one moiety whereof to be for the use of his Majesty, his heirs or successors, and the other moiety to be paid to the person or persons who ſhall ſue for the ſame; and every ſuch ſale, wager or contract, and every agreement relating thereto, ſhall be and is hereby declared to be null and void.

XLI. And be it further enacted by the authority aforesaid, That if any person or persons ſhall keep any office, or print or publish any ſcheme or propofal for receiving any ſum or ſums of money, in conſideration of an interest to be granted for the ſame in any ticket or number of tickets in the ſaid lottery, or in conſideration of any ſum or ſums to be repaid in case any ticket or number of tickets in the ſaid lottery ſhall prove fortunate, all and every ſuch person and persons ſhall forfeit and pay the ſum of five hundred pounds, to be recovered by action of debt, bill, plaint or information, in any of his Majesty's courts of record at *Westminster*, in which no effoin, protection or wager of law, or more than one imparlance shall be allowed; one moiety whereof to be for the use of his Majesty, his heirs or successors, and the other moiety to be paid to the person or persons who ſhall ſue for the ſame, and also ſhall ſuffer three months imprisonment without bail or mainprize.

XLII. And whereas many and great inconveniences have arifen upon the occaſion of former lotteries by the exceilſive advance of the price of tickets, especially during the time of drawing ſuch lotteries; for remedy thereof be it further enacted by the authority aforesaid, That from and after the twenty-fourth day of November one thousand ſeven hundred and fifty three, it ſhall not be lawful for any person or persons whatſoever to ſell, buy, alienate, deliver or receive, by way of bargain or ſale, any ticket in the ſaid lottery, or any receipt for tickets to be made out in purſuance of this act; and every person who ſhall ſo ſell, alienate or deliver any ticket or receipt for tickets, ſhall forfeit and lose the ſum of ten pounds for every ticket which ſhall be ſo ſold, alienated or delivered, and for every ticket which ſhall be contained in any receipt for tickets ſo ſold, alienated or delivered; and ſhall upon conviction be committed to the county gaol, there to remain without bail or mainprize for the ſpace of one calendar month, and until the ſums ſo forfeited as aforesaid ſhall be fully paid and ſatisfied; and every person ſo buying or receiving ſuch ticket or receipt for tickets ſhall forfeit and lose the ſame, and ſhall not be intitled to receive any benefit from the drawing ſuch tickets; all which penalties ſhall and may be recovered by action or information in any of his Majesty's courts of record at *Westminster*, or before any two of his Majesty's Justices of the peace of the county, city, diuision or liberty where ſuch offence ſhall be committed, or the offender ſhall be found, upon the oath or oaths of one or more credible witness or witnesses (whiclh oath ſuch justices are hereby impowered and required to administer)

ter) all such penalties to be applied, one third part to the use of his Majesty, his heirs and successors, one other third part thereof to the informer, and the remaining third part thereof to the poor of the parish where such offence shall be committed; and in case any person shall find himself aggrieved by any determination of the justices, it shall be lawful for such person to appeal to the quarter-sessions for the said county, city, division or liberty, whose determination shall be final.

Persons aggrieved may appeal to the quarter sessions.

**XLIII.** And be it further enacted, That all receipts and issues, and all other things directed by this act to be performed by any officers or persons, for or in respect of the lottery hereby established, shall be performed by them without any other fee, gratuity or reward, than what shall be allowed by virtue or under authority of this act; and in case any such officer or person shall take or demand any fee or reward, otherwise than as aforesaid, or shall divert or apply any of the sums to be paid pursuant to this act, otherwise than according to the intent of this act, or shall not keep books, and cause entries to be made, and do and perform all other things which by this act they are respectively required to do and perform, every such officer shall forfeit his place, and shall answer and pay treble damages and costs of suit to any adventurer, or the executors, administrators or assigns of any adventurer, or to any other person or persons that will sue for the same, to be recovered by action of debt, bill, plaint or information in any of his Majesty's courts of record at *Westminster*, wherein no escoin, protection, wager of law, injunction or order of restraint, or more than one imparlance shall be allowed or granted; and in the said action the plaintiff, upon recovery, shall have full costs; one third part of which sum so to be recovered shall be paid into the bank of *England*, to be applied towards carrying into execution the purposes of this act; and the other two thirds thereof shall be to the use of him, her or them, who shall sue for the same.

**XLIV.** Provided always, and it is hereby enacted by the authority aforesaid, That in case the whole number of one hundred thousand tickets in such intended lottery shall not be subscribed or contributed for, or the residue (if any un-subscribed) shall not be declared by the said trustees, or the major part of them, at any general meeting assembled, to be drawn and risqued for the purposes of this act (which declaration the said trustees, or the major part of them, are hereby authorized to make) then and in such case the said managers and directors, or the major part of them, shall apportion two third parts of the money that shall have been actually contributed for the purchase of such other tickets, in prizes, according to their discretions, having the money regard, as near as may be, to the distribution of prizes or fortunate lots by this act appointed for the said whole number of one hundred thousand tickets, so as no such prize be for less than ten pounds, and no other greater prize be computed for any fractional part of a pound, and shall cause publick notice to be given thereof; and then, and in such case only, such a number

Application of the torteiture.

and such a number only of tickets to be drawn as shall be subscribed for.

Within 40 days after drawing the lottery, the prize tickets to be exchanged for certificates;

number of tickets as shall serve to answer the exact numbers of tickets as shall have been subscribed or contributed for, or risqued by the said trustees as aforesaid, and such a number of blanks and prizes, and such sums in prizes, as shall have been apportioned as aforesaid, shall be cut and put into the several proper boxes, and drawn out in manner by this act directed; any thing in this act before contained to the contrary thereof in any wise notwithstanding.

**XLV.** And to the end that all and every the payments upon the fortunate tickets may be more easily and duly made to the persons who shall be intitled thereto; be it further enacted by the authority aforesaid, That within the space of forty days after the said drawing shall be compleated and ended, the said fortunate tickets so to be drawn as aforesaid, shall be exchanged for certificates, to be signed by the managers or directors herein after appointed for that purpose, or the major part of them; which certificates shall be made upon paper, expressing the sum or sums to be paid to the person or persons intitled to the fortunate tickets in lieu whereof such certificates shall be given; and the said managers and directors shall give publick notice of the days and times for taking in the said tickets, and for deliivering out the certificates for and in lieu of the same; and every certificate shall be numbered as near as may be, in such course and order, as the tickets for which the same are to be made out, shall be brought to the said managers and directors; for which purpose, books shall be kept, wherein shall be entered the name of every person bringing any ticket or tickets so to be exchanged, and the number or numbers of such ticket or tickets, and the day of the month and the year of our Lord when the same was so brought in; which book and books shall lie open in the office to be appointed for taking in the said tickets so to be exchanged, to the intent the same may be perused by all persons concerned; and also that any person or persons may include as many tickets into one certificate, as they shall think fit, which certificate shall be made out unto and in the name of the respective person or persons who shall bring the said tickets to be exchanged for the said certificate or certificates, or whose name shall be indorsed on the said tickets as the owners or proprietors thereof; and such certificates shall intitle such owners or proprietors or their order or assigns, to the sum and sums therein respectively expressed to be due; and shall be payable and paid by the governor and company of the bank of England, or their cashier or cashiers, upon demand, out of the monies that shall have been paid into the bank of England by the said receivers for the purposes of this act.

**XLVI.** And whereas the making and delivering of certificates in exchange for the fortunate tickets of the said lottery, and the other matters and things directed by this act to be done and performed by the said managers and directors, subsequent to the drawing of the lottery, will not necessarily require the service and attendance of the whole

whole number of such managers and directors; be it therefore enacted by the authority aforesaid, That the said four managers and directors as shall be in pursuance of this act appointed receivers of the contributions to the said lottery, or such of them as shall be then living, shall be and are hereby authorized and required to exchange the said fortunate tickets for certificates, and to do all other acts, matters and things, which are by this act appointed and directed to be done, executed and performed, by the managers and directors after the drawing of the lottery, and all matters and things, to be done and performed by the said managers so appointed for exchanging tickets for certificates, or the major part of them, shall be as good, valid and effectual, to all intents and purposes, as if the same had been done, performed and executed, by all the managers and directors appointed by this act; and from and after such end made of the drawing of said lottery, the rest of the said whole number of managers and directors shall be discharged from all future service and attendance required from and incumbent upon them by virtue of this act.

XLVII. And be it further enacted by the authority aforesaid, That the proprietors of the fortunate tickets to be drawn in the said lottery as aforesaid, and each of them, shall on or before the thirty-first day of December one thousand seven hundred and fifty four, apply to the said managers and directors, for exchanging tickets for certificates, and deliver for that purpose such fortunate tickets so to be exchanged; and that in default thereof, no certificates shall be given in exchange for any fortunate tickets, not brought in for that purpose, on or before that day; and the governor and company of the bank of England, or their cashier or cashiers, shall not pay any sum or sums of money which would have otherwise been due on such fortunate tickets, not brought in to be exchanged for certificates, on or before the said thirty first day of December one thousand seven hundred and fifty four, but shall detain all such sum and sums of money in their hands, and bring the same to the account of the said trustees, to be applied by them, or the major part of them, for the other purposes of their trust.

XLVIII. And be it enacted by the authority aforesaid, That all the monies which shall arise from the said lottery, subject to the charge of management thereof, after payment made, or money sufficient reserved for the payment of the sums hereby directed to be issued to the proprietors of the fortunate tickets, shall be appropriated, and in manner herein after mentioned, issued, applied, and reserved to the several uses, intents and purposes herein after exp[re]ssed, and to no other use, intent or purpose whatsoever; that is to say, In the first place the full and clear sum of twenty thousand pounds, part thereof, shall, before the eleventh day of January one thousand seven hundred and fifty four, be issued by order of the said trustees, or the major part of them, at any general meeting assembled, to the executors of Sir Hans Sloane, or the survivors or survivor of them,

The 4 receivers to exchange the tickets for certificates.

The rest of the managers discharged from attending after the drawing is over.

All prize tickets to be brought in and exchanged by 31 Dec. 1754.

No certificates to be afterwards granted;

but the bank to detain the money, and bring it to the account of the trustees.

Application of the monies arising by this act.

10,000l. to the executors of Sir Hans Sloane.

10,000 l. to  
the countess  
of Oxford.

in consideration of his said *Museum* or collection, and of the use and benefit of the said manor house and garden, with the appurtenances and water, until such time as the said *Museum* or collection shall be removed to the said general repository: in the next place, and in like manner, shall be issued to the said countess of Oxford and countess Mortimer, and her trustees, the full and clear sum of ten thousand pounds, or so much thereof, as together with the legacy of seven thousand pounds bequeathed to the trustees of the *Cottonian Library*, in manner above mentioned, shall be sufficient, in case the said legacy shall, before that time, take effect, to pay the price for the said *Harleian collection of manuscripts*, so as the said collection, until such time as the said general repository shall be erected or provided for the reception thereof, shall remain in the place where the same is now lodged, or in some other convenient place to be approved by the said trustees, or the major part of them so assembled, and shall be there preserved and maintained at the costs and charges of the said countess of Oxford and countess Mortimer, and her trustees: after payment of which several sums of twenty thousand pounds, and ten thousand pounds, so much money shall and may be issued and applied by order of the said trustees, or the major part of them so assembled, as shall be sufficient to defray the expence of erecting or providing the said general repository, and of the necessary furniture thereof, and of such cabinets, book-cases, and other conveniences or embellishments, as the condition of the several collections in the said general repository contained shall require; and also of the expence which may be incurred in preserving and maintaining the said *Museum* or collection of Sir Hans Sloane, at his said manor house at Chelsea, during such time as the said *Museum* or collection shall remain there, and in removing the said *Museum* or collection; and also in removing the *Cottonian Library*, and the additions thereto made or to be made, and the *Harleian collections of manuscripts*, to the said general repository; which expence being defrayed, the sum of thirty thousand pounds shall and may be reserved to be placed out at interest, by order of the said trustees, or the major part of them, in any general meeting assembled, in any parliamentary security or securities, or to be lent, from time to time, in part, or in the whole, upon the credit of any taxes or duties imposed by parliament, at such interest for the forbearance of such loan, as by any act imposing such taxes or duties, or any other act, shall be limited; the interest of which sum of thirty thousand pounds so reserved, shall and may be issued and applied, by like order of the said trustees, or the major part of them so assembled, for and towards payment of the salaries and allowances which, in manner aforesaid, shall be assigned by the said trustees to the officers and servants attending or assisting in the said general repository, and for and towards the payment of such other costs and charges as the custody and preservation of the said several collections, and the repairs or alterations of the said general repository, and the due execution of the trust hereby

A general re-  
pository to be  
provided  
thereout, and  
other necessa-  
ry expences  
attending the  
preserving the  
Museum, &c.

30,000 l. to be  
put out at in-  
terest in the  
publick funds,  
towards pay-  
ment of offi-  
cers salaries,  
&c.

hereby reposed in the said trustees, shall require: and if after payment of the said first-mentioned sum of twenty thousand pounds, and of the said sum of ten thousand pounds, or part thereof, upon the contingency herein before-mentioned, and after payment of so much money as the expence of erecting, or providing and furnishing the said general repository, and of such cabinets, book-cases, and other conveniences and embellishments, and of maintaining or preserving the said *Museum* or collection of Sir *Hans Sloane* at the said manor house at *Chester*, and of removing the said several collections to the said general repository, shall amount to, and if after reserving the last-mentioned sum of thirty thousand pounds for the purposes aforesaid, any monies so raised by virtue of this act, the same shall be reserved for the future disposition of parliament.

The surplus,  
it is w<sup>t</sup>, reserv-  
ed for the fu-  
ture disposi-  
tion of parlia-  
ment;

**XLIX.** Provided always, That in the mean time, until such surplus shall be disposed of by parliament, it shall be lawful to and for the said trustees, or the major part of them so assembled as aforesaid, to place out or lend the said surplus, or any part thereof, upon such securities, and upon such credit, as they are herein before empowered to place out or lend the said sum of thirty thousand pounds herein before directed to be reserved, the proceed or interest thereof, until the principal money shall be so disposed of by parliament, to be applied to such uses, for the better accomplishing the design of this act, as by the said trustees, or the major part of them, in any general meeting assembled, shall be limited and directed.

and may be  
placed out at  
int<sup>t</sup>, to be  
applied to the  
uses of this  
act.

### C A P. XXIII.

*An act for granting to his Majesty a certain sum of money therein mentioned out of the sinking fund; and for applying certain surplus monies remaining in the exchequer, for the service of the year one thousand seven hundred and fifty three; and for the further appropriating the supplies granted in this session of parliament; and for enlarging the time limited by an act of the last session of parliament for subscribing annuities after the rate of three pounds per centum per annum, and three pounds ten shillings per centum per annum, into the joint stock of annuities; and for other purposes therein mentioned.*

*Most gracious Sovereign,*

**W**E your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, being desirous to raise the necessary supplies which we have chearfully granted to your Majesty in this session of parliament, for the service of the year one thousand seven hundred and fifty three in the easiest manner we are able for the benefit of your Majestys subjects; and also to use such ways and means therein, as that your Majesty may have the better and more speedy effect of the

said supplies, have resolved to give and grant unto your Majesty the sum of four hundred and twenty thousand pounds out of the surplusses, excesses and overplus monies, or other revenues composing the sinking fund; and to that end and purpose do most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That by or out of such monies as now are, or shall from time to time be and remain in the receipt of the exchequer, of the said surplusses, excesses, and overplus monies, or other revenues composing the sinking fund (after paying or reserving sufficient to pay all such sum and sums of money as have been directed by any former act or acts of parliament to be paid out of the same) there shall and may be issued and applied a sum not exceeding the said sum of four hundred and twenty thousand pounds, for and towards the supply granted to his Majesty for the service of the year one thousand seven hundred and fifty three; and the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, are hereby authorized and impowered to issue and apply the same accordingly.

*420,000 l. granted out of the sinking fund, for the service of the current year,*

with the further sums in the exchequer, of 100,482 l. 14 s. 3 d. 2 q. for the additional duties of excise; 79,812 l. 16 s. surplus of the funds for the lottery 1714. 54,580 l. 9 s. of the additional duties on low wines, &c. granted by 16 & 24 Geo. 2. 18,035 l. 9 s. 39 overplus of the grants unappropriated, for the year 1752.

III. And be it further enacted by the authority aforesaid, That the sum of one hundred thousand four hundred eighty two pounds fourteen shillings and three pence halfpenny, remaining in the receipt of his Majesty's exchequer, on the two seventh parts of the additional rates and duties of excise, granted by an act of the fifth year of the reign of their late majesties King William and Queen Mary; and the sum of seventy nine thousand eight hundred twelve pounds and sixteen shillings, remaining in the receipt of his Majesty's exchequer, of the surplus of the funds for the lottery in the year of our Lord one thousand seven hundred and fourteen; and the sum of fifty four thousand five hundred eighty pounds and nine shillings, remaining in the exchequer of the additional duties on low wines and spirituous liquors, granted by several acts of the sixteenth and twenty fourth years of his Majesty's reign; and also the sum of eighteen thousand thirty five pounds nine shillings and three farthings, now remaining in the exchequer, being the overplus of the grants for the service of the year one thousand seven hundred and fifty two, but not applied to the service of that year, shall and may be issued and applied at the said receipt, as part of the supply granted to his Majesty for the service of the year one thousand seven hundred and fifty three; any thing in this or any former act or acts of parliament to the contrary thereof in any wise notwithstanding.

*Appropriation of the supplies.*

III. Provided always, and it is hereby further enacted by the authority aforesaid, That all the monies coming into the exchequer, either by loans or exchequer bills, upon one act of this session of parliament, (intituled, *An act for continuing and granting*

*ing*

ing to his Maſteſty certain duties upon malt, muſt, cyder, and perry, for the ſervice of the year one thouſand ſeven hundred and fifty three; and for enlarging the time limited by an aſt of the laſt ſeffion of parliament for ſubſcribing annuities, after the rate of three pounds per centum per annum, into the joint ſtock of annuities therein mentioned) and ſo much money (if any ſuch be) of the duties thereby granted, as shall arife or remain after all the loans or exchequer bills, made or to be made on the fame act, and all the intereſt, premium, rate, and charges thereon, and the charges thereby allowable for raiſing the ſaid duties ſhall be ſatisfied, or money ſufficient shall be reſerved in the exchequer to ſatisfy and diſcharge the fame; and also all the monies coming into the exchequer, either by loans or exchequer bills, upon one other aſt of this ſeffion of parliament, (intituled, *An aſt for granting an aid to his Maſteſty by a land-tax to be raiſed in Great Britain for the ſervice of the year one thouſand ſeven hundred and fifty three*) and ſo much money (if any ſuch be) of the tax thereby granted as shall arife or remain after all the loans or exchequer bills made or to be made on the fame act, and all the intereſt, premium, rate and charges thereon, and the charges thereby allowable for raiſing the ſaid land-tax, ſhall be ſatisfied, or money ſufficient shall be reſerved in the exchequer to ſatisfy and diſcharge the fame; and the ſum of one hundred thouſand four hundred and eighty two pounds fourteen ſhillings and three pence halfpenny, remaining in the exchequer, on the two ſeventh parts of the ad- ditional rates and duties of excife, granted by an aſt of the fifth year of the reign of their late maſtſties King William and Queen Mary; and the ſum of seventy nine thouſand eight hundred twelve pounds and sixteen ſhillings, remaining in the exchequer, of the surplus of the funds for the lottery, in the year of our Lord one thouſand ſeven hundred and fourteen; and the ſum of fifty four thouſand five hundred eighty pounds and nine ſhillings, remaining in the exchequer of the additional duties on low wines and ſpirituouſ liquors, granted by several afts of the sixteenth and twenty fourth years of his Maſteſty's reign; and the ſum of eighteen thouſand thirty five pounds nine ſhillings and three farthings, remaining in the exchequer, being the overplus of the grants for the ſervice of the year one thouſand ſeven hundred and fifty two, but not applied to the ſervice of that year; and also the ſum of four hundred and twenty thouſand pounds by this aſt granted, ſhall be further appropriated, and are hereby appropriated, for and towards the feveal uſes and purpoſes herein after expreſſed; that is to ſay, it is hereby en- acted and declared by the authority aforesaid, That out of all or any the aids or ſupplies provided as aforesaid, there shall and may be iſſued and applied, any ſum or ſums of money, not exceeding eight hundred thouſand two hundred ſix pounds thirteen ſhillings and eleven pence, for or towards the naval services herein after particularly expreſſed; that is to ſay, for or towards viſtuals, wages, wear and tear of the navy, and the viſtualling thereof, performed and to be performed, and for or towards sea services viz. 800,206 l. 13 s. 11 d. for naval services.

10,000 l. to  
Greenwich  
hospital.

116,506 l. 1 s.  
3 d. to the of-  
fice of ord-  
nance for  
land service.

1,067,021 l.  
11 d. 2 q. to  
the land  
forces, viz.

628,315 l. 7 s.  
11 d. for  
guards and  
garrisons, &c.  
in Great Bri-  
tain, Guern-  
sey, and Jer-  
sey;

236,420 l. 18 s.  
6 d. 2 q. for  
the planta-  
tions, Minor-  
ca and Gib-  
raltar, and  
for provisions  
for Nova Sco-  
tia, New-  
foundland,  
Gibraltar, and  
Providence.

53,270 l. 15 s.  
5 d. to cut-  
pensioners of  
Chelsea hospi-  
tal;

58,000 l. to  
reduced offi-  
cers;

services in the office of ordnance, performed and to be performed, and for or towards defraying the ordinary of his Majesty's navy, and for half-pay to sea officers, for the year one thousand seven hundred and fifty three.

IV. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied, any sum or sums of money, not exceeding ten thousand pounds, upon account, towards the support of the royal hospital at Greenwich, for the better maintenance of the seamen of the said hospital, worn out and become decrepit in the service of their country.

V. And be it hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding one hundred sixteen thousand five hundred six pounds one shilling and three pence, for the charge of the office of ordnance for land service, for the year one thousand seven hundred and fifty three, performed and to be performed, and for defraying the extraordinary expence of the office of ordnance for land service, not provided for by parliament.

VI. And it is hereby also enacted, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding one million fifty seven thousand twenty one pounds and eleven pence halfpenny, for and towards maintaining his Majesty's land forces, and other services, herein after more particularly expressed; that is to say, any sum or sums of money, not exceeding six hundred twenty eight thousand three hundred fifteen pounds seven shillings and eleven pence, for defraying the charge of eighteen thousand eight hundred and fifty seven effective men, including commission and non-commission officers, and also one thousand eight hundred and fifteen invalids, for guards, garrisons, and other his Majesty's land forces in Great Britain, Guernsey and Jersey, for the year one thousand seven hundred and fifty three; and any sum or sums of money, not exceeding two hundred thirty six thousand four hundred twenty pounds eighteen shillings and six pence halfpenny, for maintaining his Majesty's forces and garrisons in the plantations, Minorca, and Gibraltar, and for provisons for the garrisons in New Scotland, Newfoundland, Gibraltar and Providence, for the year one thousand seven hundred and fifty three; and any sum or sums of money, not exceeding fifty eight thousand two hundred seventy pounds fifteen shillings and five pence upon account, for out-pensioners of Chelsea Hospital, for the year one thousand seven hundred and fifty three; and any sum or sums of money not exceeding fifty eight thousand pounds, upon account of the reduced officers of his Majesty's land forces and marines, for the year one thousand seven hundred and fifty three, subject to such rules to be observed in the application of the said halfpay, as are hereafter prescribed concerning the same; and any sum or sums of money not exceeding four thousand two hundred eighty eight pounds five shillings and five pence, for defraying the charge for allowances to the several officers

ficers and private gentlemen of the two troops of horse guards, 4218 l. 5 s. 5 d. and regiment of horse, reduced, and to the ſuperannuated gentle- to the horſe men of the four troops of horse guards, for the year one thou- guards, &c. sand seven hundred and fifty three; and any ſum or ſums of 3,036 l. to wi- money not exceeding three thousand and thirty six pounds, for dows of half- paying of pensions to the widows of ſuch reduced officers of his Pay officers. Majesty's land forces and marines as died upon the establishment of half-pay in *Great Britain*, and who were married to them before the twenty fifth day of *December* one thousand seven hundred and sixteen, for the year one thousand seven hundred and fifty three; which ſaid ſum of three thousand and thirty six pounds, shall be issued to ſuch person or persons as his Majesty shall, by warrant or warrants under his royal ſign manual, direct and appoint to receive the fame, to be by him or them paid over to ſuch widows of half-pay officers, or their affigns, according to ſuch establishments, lists, or other directions, and with and ſubject to ſuch conditions, qualifications, and other allowances for the fame, as his Majesty, by ſuch and the like warrant or warrants, shall be graciously pleafed to direct and appoint; and any ſum or ſums of money not exceeding twenty 26,689 l. 13 s. six thousand six hundred eighty nine pounds thirteen ſhillings 8 d. for extra- and eight pence, for defraying the extraordina- expences of his ordinary ex- Majefty's land forces, and other services, incurred in the year pences in 1752. one thousand seven hundred and fifty two, and not provided for by parliament; and any ſum or ſums of money not exceeding twenty thousand pounds, to enable his Majesty to make good 20,000 l. to the Elector of his engagements with the elector of *Bavaria*, pursuant to treaty; *Bavaria*. and any ſum or ſums of money not exceeding thirty two thou- 32,000 l. to the ſand pounds, to enable his Majesty to make good his engage- King of Po- ments with the King of *Poland*, elector of *Saxony*, pursuant to land. treaty.

VII. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall 47,448 l. 5 s. and may be issued and applied any ſum or ſums of money not 10 d. towards exceeding forty seven thousand four hundred forty eight pounds ſettling Nova five ſhillings and ten pence, upon account, for defraying the Scotia in 1752. charges incurred by ſupporting and maintaining the ſettlement of his Majesty's colony of *Nova Scotia* in the year one thousand seven hundred and fifty two, and not provided for by parlia- 47,167 l. 6 s. ment; and any ſum or ſums of money not exceeding forty seven thousand one hundred sixty seven pounds six ſhillings and six 6d. to the ſaid pence, upon account, for ſupporting and maintaining the ſettle- colony for the ment of his Majesty's colony of *Nova Scotia*, for the year one present year. thousand seven hundred and fifty three.

VIII. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall 7,916 l. 19 s. and may be issued and applied any ſum or ſums of money not 11 d. to make exceeding seven thousand nine hundred sixteen pounds nineteen ſhillings and eleven pence, to replace to the ſinking fund the like duties at sum paid out of the fame to make good the deficiency of the ad- Christmas ditional stamp duties at *Christmas* one thousand seven hundred 1751. and

949l. 3s. 1d.  
2q to make  
good the du-  
ties on licen-  
ces for retail-  
ing of spiritu-  
ous liquors at  
Lady Day

1752.

9,846l. 3s. 3d.  
2q. to make  
good the du-  
ties on sweets

at Michael-

mas 1752.

2,214l. 2s. 3d.  
to capt. Ver-  
non, for lands  
in Sheepey,  
where the fort  
of Sheernes  
stands.

2,000l. to  
Westminster  
Bridge.

3,000l. to-  
wards making  
a road from  
Carlisle to  
Newcastle.

16,000l. to  
the settle-  
ments on the  
coast of Afri-  
ca.

2,632l. to the  
civil establis-  
ment of Geor-  
gia.

These aids to  
be applied on-  
ly to the uses  
before menti-  
oned.

Rules to be  
observed in

and fifty one ; and any sum or sums of money not exceeding se-  
ven hundred forty nine pounds three shillings and three pence  
halfpenny, to replace to the said sinking fund the like sum paid  
out of the same to make good the deficiency of the duty on li-  
cences for retailing of spirituous liquors at *Lady Day* one thou-  
sand seven hundred and fifty two ; and any sum or sums of mo-  
ney not exceeding nine thousand eight hundred forty six pounds  
three shillings and three pence halfpenny, to replace to the said  
sinking fund the like sum paid out of the same, to make good  
the deficiency of the duty of twelve shillings a barrel on sweets  
or wines made from *British* or foreign fruit or sugar at *Michael-*  
*mas* one thousand seven hundred and fifty two ; and any sum or  
sums of money not exceeding two thousand two hundred four-  
teen pounds, two shillings and three pence, to be applied and  
paid to captain *John Vernon*, in full satisfaction of all his de-  
mands on, claims to, or interest in forty acres of land in the  
island of *Sheepey*, in the county of *Kent*, now in the possession  
of the crown, whereon the fort of *Sheernes* stands ; and any sum  
or sums of money not exceeding two thousand pounds towards  
enabling the commissioners for building a bridge across the river  
*Thames* from the city of *Westminster* to the opposite shore in the  
county of *Surrey*, to maintain the said bridge, and to perform  
the other trusts reposed in them ; and any sum or sums of mo-  
ney, not exceeding three thousand pounds, towards laying out  
making and keeping in repair a road proper for the passage of  
troops and carriages from the city of *Carlisle* to the town of *New-*  
*castle* upon *Tyne* ; and any sum or sums of money not exceeding six-  
teen thousand pounds, towards building a fort at *Annamab*, and the  
maintenance and support of that and other *British* forts and set-  
tlements upon the coast of *Africa*, to be applied in such manner  
as his Majesty shall think proper ; and any sum or sums of mo-  
ney not exceeding two thousand six hundred and thirty two  
pounds, upon account, for defraying the charges of the civil  
establishment of his Majesty's colony of *Georgia*, and other in-  
cidental expences attending the same from the surrender of the  
charter to his Majesty by the late trustees on the twenty fourth  
of *June* one thousand seven hundred and fifty two, to the twen-  
ty fourth of *June* one thousand seven hundred and fifty three.

IX. And be it further enacted by the authority aforesaid,  
That the said aids and supplies provided as aforesaid, shall not  
be issued or applied to any use, intent or purpose whatso-  
ever, other than the uses and purposes before mentioned ; or  
for the several deficiencies or other payments directed to be sa-  
tisfied thereout by any act or acts, or any particular clause or  
clauses for that purpose, contained in any other act or acts of  
this present session of parliament.

X. And as to the said sum of fifty eight thousand pounds by  
this act appropriated on account of half-pay as aforesaid, it is  
hereby enacted and declared by the authority aforesaid, That  
the rules herein after prescribed shall be duly observed in the  
application of the said half-pay ; that is to say, That no person  
shall

shall have or receive any part of the same, who was a minor, the application of the half-pay.

and under the age of sixteen years, at the time when the regiment, troop, or company, in which he served, was reduced; that no person shall have or receive any part of the same, except such persons who did actual service in some regiment, troop or company; that no person having any other place or employment of profit, civil or military, under his Majesty, shall have or receive any part of the said half-pay; that no chaplain of any garrison or regiment, who has any ecclesiastical benefice in Great Britain or Ireland, shall have or receive any part of the said half-pay; that no person shall have or receive any part of the same, who has resigned his commission, and has had no commission since; that no part of the same shall be allowed to any person by virtue of any warrant or appointment, except to such persons who would have been otherwise intitled to the same as reduced officers; and that no part of the same shall be allowed to any of the officers of the five regiments of dragoons, and eight regiments of foot lately disbanded in Ireland, except to such as were lately taken off the establishment of half-pay in Great Britain.

XI. And whereas by an act of parliament made and passed in the twenty fifth year of his Majesty's reign (intituled, An act for granting to his Majesty a certain sum of money therein mentioned out of the sinking fund, and for enabling his Majesty to raise a further sum of money therein also mentioned by exchequer bills to be charged on the said sinking fund, for the service of the year one thousand seven hundred and fifty two, and for the further appropriating the supplies granted in this session of parliament) several supplies which had been granted to his Majesty, as is therein mentioned, were appropriated to several uses and purposes therein expressed; amongst which any sum or sums of money not exceeding sixty thousand pounds was appropriated to be paid to the reduced officers of his Majesty's land forces and marines, subject nevertheless to such rules to be observed in the application of the said half pay, as in and by the aforesaid act were prescribed in that behalf: now it is hereby provided, enacted and declared by the authority aforesaid, That so much of the said sum of sixty thousand pounds, as is or shall be more than sufficient to satisfy the said reduced officers, according to the rules prescribed by the said act to be observed in the application thereof, or any part of such overplus, shall and may be disposed of to such officers who are maimed or lost their limbs in the late wars, or such others as by reason of their long service, or otherwise, his Majesty shall judge to be proper objects of charity, or to the widows or children of such officers, according to such warrant or warrants under his Majesty's royal sign manual, as shall be signed in that behalf; any thing in this act or the said former act to the contrary notwithstanding.

XII. And whereas by an act made in this session of parliament, intituled, An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder and perry, for the service of the year one thousand seven hundred and fifty three; and for enlarging

25 Geo. 2. c. 25.

Overplus of  
the last year's  
half pay to be  
applied to such  
objects of cha-  
rity as his  
Majesty shall  
direct.

26 Geo. 2. c. 1.

enlarging the time limited by an act of the last session of parliament for subscribing annuities after the rate of three pounds per centum per annum, into the joint stock of annuities therein mentioned, reciting that by an act made in the last session of parliament, intituled, An act for converting the several annuities therein mentioned into several joint stocks of annuities transferrable at the bank of England, to be charged on the sinking fund; and also for consolidating the several other annuities therein mentioned into several joint stocks of annuities transferrable at the South-Sea House, books were directed to be prepared for receiving the subscription or consent of such of the proprietors of several annuities after the rate of three pounds per centum per annum, as should subscribe the same into the joint stock of annuities in the said act described, at any time between the twenty fourth day of June one thousand seven hundred and fifty two, and the fifth day of January one thousand seven hundred and fifty three inclusive, and no longer; and further reciting, that the greatest part of the said annuities had been subscribed accordingly, and that some of the proprietors of such part of the said annuities as remained unsubscribed, might be desirous that the time for such subscription should be enlarged, which would also be of advantage to the publick; it was enacted, That the governor and company of the bank of England should cause such books as had been prepared according to the directions of the said act, for receiving the subscription of the proprietors of the said annuities into the said joint stock of annuities, to be kept open at the bank of England for that purpose, in such manner as by the said act made in the last session of parliament is directed, to the fifth day of April, one thousand seven hundred and fifty three, inclusive, being the time limited by the said act for the subscription of other annuities, after the rate of three pounds ten shillings per centum per annum; and that such proprietors of the said annuities after the rate of three pounds per centum per annum; as had not subscribed the same into the said joint stock of annuities, their respective attorneys, representatives or assigns, and all persons authorized by the said act to subscribe for them before the said fifth day of January one thousand seven hundred and fifty three, should have power to make such subscription without fee or charge, at any time before the said fifth day of April one thousand seven hundred and fifty three, and that such subscription should be as valid and effectual to all intents and purposes, as if the same had been made before the said fifth day of January one thousand seven hundred and fifty three: and whereas although the greatest part as well of the said annuities, after the rate of three pounds per centum per annum, as of the said annuities after the rate of three pounds ten shillings per centum per annum, hath been subscribed, according to the direction of the said acts made in the last and in the present session of parliament, but part thereof still remains unsubscribed: and whereas the enlarging of the time for the subscription of the said annuities after the rate of three pounds ten shillings per centum per annum, and the further enlarging of the time for the subscription of the said annuities after the rate of three pounds per centum per annum, may be a benefit to such of the proprietors of the said several annuities as have

Geo. 2. c. 27.

have not yet ſubſcribed the ſame, and will alſo be of advantage to the publick; be it enacted by the authority aforesaid, That the go- Books to be vernor and company of the bank of England, ſhall cauſe ſuch kept open at books, as have been prepared according to the direction of the bank to ſaid act made in the laſt ſeſſion of parliament, for receiving the 10 Oct. 1753. ſubcription of the proprietors of the ſaid ſeveral annuities into the ſubſcrip- the ſaid ſeveral joint stocks of annuities, to be kept open at the tions of the bank of England for that purpose, in ſuch manner, as by the proprietors of ſaid act is directed, to the tenth day of October one thouſand the unſub- ſeven hundred and fifty three, inſluſive; and ſuch proprietors ſcribed annui- of the ſaid ſeveral annuities as have not already ſubſcribed the ſame into the ſaid ſeveral joint stocks of annuities, their reſpect- i-ive attornies, repreſentatives or aſſigns, and all persons authori- zed by the ſaid act to ſubſcribe for them, ſhall have power to make ſuch ſubcription without fee or charge, at any time before the ſaid tenth day of October one thouſand ſeven hundred and fifty three; and ſuch ſubscriptions ſhall be as valid and effectual to all intents and purpoſes, as if the ſame had been made before the ſaid fifth day of January, or fifth day of April one thouſand ſeven hun- dred and fifty three; and that all ſuch proprietors of any part Such of the- of the ſaid ſeveral annuities remaining unſubſcribed, as shall not ſhall not ſub- before the ſaid tenth day of October one thouſand ſeven hundred and fifty three by themſelves, or by their reſpective attornies, ſcribe their repreſentatives or aſſigns, or the persons authorized by the ſaid diſſent, act made in the laſt ſeſſion of parliament, to ſubſcribe for them, declare and ſignify, by ſubſcribing in the ſame or other books to be kept open at the bank of England for this purpoſe, under a proper preface, their names and places of abode, with other proper additions, their diſſent to the converting their annuities into the ſaid reſpective joint stocks of annuities in the ſaid act deſcribed, ſhall have the benefit of the ſaid acts made in the laſt and preſent ſeſſion of parliament, and of this preſent act, in as full and ample manner as if they had reſpectively ſubſcribed their ſaid annuities pursuant to the direction of either of the ſaid acts; and that the ſaid annuities, the reſpective proprietors whereof ſhall not, on or before the ſaid tenth day of October one thou- ſand ſeven hundred and fifty three, ſo express ſuch diſſent, ſhall, from and after the ſaid tenth day of October one thouſand ſeven hundred and fifty three, be converted into the ſaid reſpective joint stocks of annuities in the ſaid act of the laſt ſeſſion of parliament deſcribed.

## C A P. XXIV.

An act for allowing further time for inrolment of deeds and wills made by papists; and for relief of protestant purchaſers, devifees and Leſſees. Exp. Time granted to 1 Jan. 1754.

## C A P. XXV.

*An act to render more effectual an act made in the twelfth year of the reign of her late majesty Queen Anne, intituled, An act for providing a publick reward for such person or persons as shall discover the longitude at sea, with regard to the making experiments of proposals made for discovering the longitude; and to enlarge the number of commissioners for putting in execution the said act.*

12 Ann. st. 2.  
c. 15.

W H E R E A S by an act of parliament made in the twelfth year of the reign of her late majesty Queen Anne, intituled, An act for providing a publick reward for such person or persons as shall discover the longitude at sea, the commissioners therein and thereby named and constituted, or any five or more of them, have full power to hear and receive any proposal or proposals that shall be made to them for discovering the said longitude; and in case the said commissioners, or any five or more of them, shall be so far satisfied of the probability of any such discovery, as to think it proper to make experiment thereof, they shall certify the same under their hands and seals to the commissioners of the navy for the time being, together with the persons names who are authors of such proposals; and upon producing such certificate, the said commissioners are thereby authorized and required to make out a bill or bills for any such sum or sums of money not exceeding two thousand pounds, as the said commissioners for the discovery of the said longitude, or any five or more of them shall think necessary for making the experiments, payable by the treasurer of the navy: which sum or sums the treasurer of the navy is by the said act required to pay immediately to such person or persons as shall be appointed by the commissioners for discovery of the said longitude to make those experiments, out of any money that shall be in his hands unapplied for the use of the navy: and whereas for a due and sufficient encouragement to any such person or persons as shall discover a proper method for finding the said longitude, it is likewise enacted by the said act, That the first author or authors, discoverer or discoverers of any such method, his or their executors, administrators or assigns, shall be intitled to and have such reward, as in the said act is particularly mentioned: and whereas by another act of parliament made in the fourteenth year of the reign of his present Majesty, intituled, An act for surveying the chief ports and head lands on the coasts of Great Britain and Ireland, and the islands and plantations thereto belonging, in order to the more exact determination of the longitude and latitude thereof; reciting in part the said act of parliament made in the twelfth year of the reign of her said late Majesty Queen Anne; and also reciting that it was absolutely necessary for making the discovery useful at sea, and for the security of ships approaching near the shores that the chief ports and head lands on the coasts of Great Britain and Ireland, and the islands and plantations thereto belonging, should be first surveyed, and the longitude and latitude of such places determined more exactly than had then been done, and likewise reciting that some doubts had arisen, whether by the words

24 Geo. 2.  
c. 39.

of

of the said act of parliament made in the twelfth year of Queen Anne, the said sum of two thousand pounds appointed for making such experiments, or any part thereof, could be applied for such survey, or fixing the longitude or latitude of such places, it was enabled by the said act made in the fourteenth year of the reign of his present Majesty, That the said commissioners for discovering the longitude, or any five or more of them, should have full power to apply such part of the said sum of two thousand pounds mentioned in the said first recited act, as had not then been laid out in experiments, as they should think necessary for the making such survey, and determining the longitude and latitude of the chief ports and head lands on the coasts of Great Britain and Ireland, and the islands and plantations thereto belonging; and that such sum or sums, part of the said two thousand pounds, which the said commissioners or any five or more of them, should think necessary, should be paid immediately by the treasurer of the navy to such person or persons as should be appointed by the said commissioners for the discovery of the longitude to make such survey, and determine such longitude and latitude, out of the money that should be in the hands of such treasurer unapplied for the use of the navy: and whereas a competent number of the said commissioners for the discovery of the said longitude have (by virtue of the powers vested in them by the said act made in the twelfth year of the reign of Queen Anne) heard and received several proposals made to them at different times for discovering the said longitude, and were so far satisfied of the probabilities of such discoveries, that they thought it proper to make experiments thereof, and accordingly certified the same from time to time to the commissioners of the navy for the time being, together with the name of master John Harrison, who was author of the said proposals; whereupon bills were made out for several sums of money, amounting in the whole to one thousand two hundred and fifty pounds, all which respective sums were paid to the said John Harrison by the treasurer of the navy, pursuant to the directions of the said last mentioned act of parliament, as parts of the said two thousand pounds therein mentioned; which the said commissioners for discovering the said longitude thought necessary for making the said experiments: and whereas a like competent number of the said commissioners for the discovery of the said longitude did (by virtue and in pursuance of the powers vested in them by the said several above-mentioned acts of parliament) appoint master William Whiston to survey and determine the longitude and latitude of the chief ports and head lands on the coasts of Great Britain and Ireland, and the islands and plantations thereto belonging: and did also apply the further sum of five hundred pounds (other part of the said sum of two thousand pounds mentioned in the said act made in the twelfth year of the reign of Queen Anne) which they thought necessary for the making such survey, and determining the said last-mentioned longitude and latitude, and which said sum of five hundred pounds was paid to the said William Whiston accordingly by the treasurer of the navy: and whereas by reason of the several pay<sup>ts</sup> made by the treasurer of the navy to the said John Harrison and William Whiston respectively as aforesaid, amounting in the whole to one thousand seven hundred and fifty pounds, the said

commissioners for discovering the said longitude have at present, by virtue of the said acts of parliament, power only to apply the sum of two hundred and fifty pounds, and no more (being the remainder of the said two thousand pounds) towards making any further experiments which they may think proper and necessary to be made, in order to discover the said longitude: and whereas from the experiments which have already been made in pursuance of the powers vested in the said commissioners as aforesaid, there is great reason to expect, that by continuing to encourage ingenious persons, to invent and make further improvements and experiments, in order to discover the said longitude, such discoveries may at length be produced, as will effectually answer that end, and thereby contribute very much to the advantage of the trade and honour of this kingdom: therefore for enabling the said commissioners to cause such further experiments to be made as they shall think proper for the purposes aforesaid; be it enacted

The commissioners constituted by 12 Ann. c. 15. empowered to receive proposals for discovering the longitude, and where they think proper to make experiments, they are to certify the same, and the author's name to the commissioners of the navy, who are to make out a bill for such a limited sum as shall be thought necessary,

to be paid to the person making the experiment

Additional commissioners appointed.

That the said commissioners constituted by the said act of parliament made in the twelfth year of the reign of the late Queen Anne, for the discovery of the longitude at sea, and for examining, trying and judging of all proposals, experiments and improvements relating to the same or any five or more of them have full power to hear and receive any proposal or proposals that have been or shall hereafter be made to them for discovering the said longitude at sea; and in case the said commissioners or any five or more of them, shall be so far satisfied of the probability of any such proposal or discovery as to think it proper to make experiment thereof, they shall certify the same under their hands and seals to the commissioners of the navy for the time being, together with the persons names who shall be the authors of such proposals; and upon producing such certificate, the said commissioners of the navy are hereby authorized and required to make out a bill or bills for any such sum or sums of money not exceeding two thousand pounds, over and above the aforesaid sum of two hundred and fifty pounds, being the remainder of the two thousand pounds mentioned in the said act made in the twelfth year of the reign of the late Queen Anne, as the said commissioners for the discovery of the said longitude, or any five or more of them shall think necessary for making any experiments in pursuance of this act, or either of the said former acts above-mentioned, payable by the treasurer of the navy; which sum or sums the treasurer of the navy for the time being is hereby required to pay immediately to such person or persons as shall be appointed by the commissioners for the discovery of the said longitude to make those experiments, out of any money that shall be in his the said treasurer's hands unapplied for the use of the navy.

II. And whereas many of the commissioners appointed by the said act made in the twelfth year of the reign of her late Majesty Queen Anne are deceased: be it therefore enacted by the authority aforesaid,

foresaid, That the governor of the royal hospital for seamen at Greenwich for the time being, the judge of the high court of admiralty for the time being, the secretaries of the treasury for the time being, the secretary of the admiralty for the time being, and the comptroller of the navy for the time being, shall be, and they are hereby added to and joined with such of the commissioners appointed by the said act for discovering the longitude as are surviving; and the said persons hereby appointed commissioners, shall and may act, to all intents and purposes, for putting in execution the said former acts and this present act, as fully and effectually as if they had been appointed commissioners by the said act made in the twelfth year of the reign of her late majesty Queen Anne.

Additional commissioners appointed.

### C A P. XXVI.

*An act to permit persons professing the Jewish religion to be naturalized by parliament; and for other purposes therein mentioned, Rep.*

W<sup>H</sup>E<sup>R</sup>EAS by an act made in the seventh year of the reign of King James the First, intituled, An act that all such as are to be naturalized or restored in blood, shall first receive the sacrament of the Lord's supper, and the oath of allegiance, and the oath of supremacy; every person who shall apply to be naturalized by act of parliament, being of the age of eighteen years or upwards, is required to receive the sacrament of the Lord's supper within one month before the bill for such naturalization be exhibited, whereby many persons of considerable substance professing the Jewish religion are prevented from being naturalized by bill to be exhibited in parliament for that purpose; and whereas by an act made in the thirteenth year of his present Majesty's reign, intituled, An act for naturalizing such foreign protestants, and others therein mentioned, as are settled, or shall settle in any of his Majesty's colonies in America, persons professing the Jewish religion who have inhabited and resided, or shall inhabit and reside for the space of seven years or more in any of his Majesty's colonies in America, and shall not have been absent out of some of the said colonies for a longer space than two months at any one time during the said seven years, are naturalized upon their complying with the terms therein mentioned, without their receiving the sacrament of the Lord's supper; be it therefore enacted,

<sup>13</sup> Geo. 2. c. 7.

Jews, upon application to parliament, may be naturalized without taking the sacrament. Clause to be inserted in every bill, subjecting the person to the disabilities expressed in <sup>1</sup> Geo. 1. c. 4. No person to be naturalized who has not resided in Great Britain or Ireland for three years, without being absent more than three months at one time, and who shall not bring proof of his having professed the Jewish religion for three years before. Jews disabled from purchasing or inheriting any advowson, or right of patronage, &c. Repealed <sup>27</sup> Geo. 2. c. 1.

## C A P. XXVII.

*An act to confirm certain acts and orders made by justices of the peace being of the Quorum, notwithstanding any defect in not expressing therein that such justices of the peace are of the Quorum.*

**W**H E R E E A S authority is given by divers acts of parliament to two or more justices of the peace, whereof one or more are to be of the Quorum : and whereas divers acts, orders, adjudications, warrants, confirmations of indentures, and other instruments done, made and executed, by two or more justices of the peace, without expressing that they are, or that one of them is, of the Quorum, have been and maybe, for that reason only impeached, set aside and vacated : be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of June in the year one thousand seven hundred and fifty three, no act, order, adjudication, warrant, indenture of apprenticeship, or other instrument already made, done or executed, or hereafter to be made, done or executed, by two or more justices of the peace, which doth not express that one or more of the justices is or are of the Quorum, shall be impeached, set aside or vacated, for that defect only ; any law, statute or usage to the contrary notwithstanding.

## C A P. XXVIII.

*An act for the preventing of the inconveniences and dangers that may arise from the present methods of digging gravel, sand, stone, chalk, and other materials, on the several commons and waste grounds within this kingdom, for the repair of the highways, and for other purposes.*

**W**H E R E E A S it is become a common practice to get materials out of commons, heaths and waste grounds, for the repairs of the highways of this kingdom, and for other purposes, and to leave the pits and holes thereby occasioned open and dangerous : for remedy whereof, may it please your Majesty that it may be enacted ; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of June one thousand seven hundred and fifty three, if any person or persons shall by reason of getting any gravel, sand, stones, or chalk, or other materials, for repairing any highway or for any other purpose whatsoever, make or cause to be made any pit or hole in any common, heath or waste ground, such person or persons shall forthwith cause the same to be sufficiently fenced off, during such time as the said pit or hole shall be continued open ; and shall within fourteen days after digging

Gravel pits,  
&c. to be fenced  
during the  
time the same  
shall be kept  
open ;

for such materials in such pit or hole, cause the same to be filled and within 14 days after to be filled up, sloped down or fenced off, and so continued; and in case such person or persons shall not fill up, slope down or fence off the same within the said time, and keep the said fence from time or fenced off; to time in good repair, it shall and may be lawful for any one or more justice or justices of the peace, upon his or their view, or upon the information of any one or more witness or witnessesses, to order the person or persons making or causing to be made such pit or hole, to fill up, properly slope down, or fence off the same; and in cases where any fence shall be set up, to order the same to be repaired from time to time, as occasion shall require; and in case such person or persons shall refuse or neglect to comply with such order within ten days after the receipt thereof, or the same being left at his or their usual place or places of abode, and due proof being made upon oath, before any one or more justice or justices of the peace, of the offence committed, of the service of such order, and of the refusal or neglect to comply therewith, which oath the said justice or justices is and are hereby empowered to administer, such person or persons shall forfeit and pay any sum not exceeding ten pounds, nor less than forty shillings, to be laid out and applied in the filling up, sloping down or fencing off such hole or pit, and towards the repair of the roads in the parish or place where the offence shall be committed, and in such manner as the said justice or justices shall direct and appoint; which forfeiture, in case the same be not forthwith paid, shall be levied by distress and sale of the offender's goods and chattels, by warrant under the hand and seal or hands and seals of such justice or justices of the peace, rendering the overplus (if any be) to the person or persons whose goods and chattels shall be so distrained and sold, the charges of such distresses and sale being first deducted.

### C A P. XXIX.

*An act to explain, amend and continue the provisions made by two acts of parliament of the nineteenth and twenty first years of his Majesty's reign, for the more effectual disarming the highlands in Scotland, and to make provision for the more speedy ascertaining the lawful debts or claims upon the lands and hereditaments that some time belonged to Alexander Robertson of Strowan, which, with other forfeited estates, are by an act of the twenty fifth year of his Majesty's reign annexed to the crown unalienable.*

WHEREAS by an act made in the first year of the reign of his late majesty King George the First, of glorious memory, intituled, An act for the more effectual securing the peace in the highlands of Scotland, it was enacted, That the inhabitants within the bounds and shires therein mentioned should be disarmed from and after the first day of November which was in the year of our Lord one thousand seven hundred and sixteen: and whereas by an act made in

*in the nineteenth year of his present Majesty's reign, intituled, An act for the more effectual disarming the highlands in Scotland; and for more effectually ſecuring the peace of the ſaid highlands; and for restraining the uſe of the highland drefs; and for further indemnifying ſuch persons as have acted in defence of his Ma-jeſty's perſon and government during the unnatural rebellion; and for indemnifying the judges and other officers of the court of juſticiary in Scotland, for not performing the northern circuit in May one thouſand ſeven hundred and forty six; and for ob-liging the masters and teachers of private ſchools in Scotland, and chaplains, tutors and governors of children or youth, to take the oaths to his Ma-jeſty, his heirs or ſucceſſors, and to re-geſter the ſame; further proviſions were made for the more effectual disarming the highlands in Scotland, or the inhabitants of the ſaid bounds and ſhires, which proviſions were to continue in force for ſeven years from and after the firſt day of Auguft one thouſand ſeven hundred and forty six, and from thence to the end of the next ſeſſion of parliament, and no longer: and whereas by an act made in the twenty first year of his present Ma-jeſty's reign, intituled, An act to amend and enforce ſo much of an act made in the nineteenth year of his Ma-jeſty's reign as relates to the more effectual dis-arming the highlands in Scotland, and restraining the uſe of the highland drefs; and to masters and teachers of private ſchools and chaplains; and to explain a clause in another act made in the ſame year relating to letters of orders of episcopal mi-niſters in Scotland; and to oblige perſons allowed to carry arms, and the di-rectors of the bank there, and certain perſons belonging to or practiſing in the courts of ſeſſion and juſticiary to take the oaths; and to repeal ſome clauses in an act made in the firſt year of the reign of his late ma-jeſty King George the First, whereby certain encoura-gements are given to landlords and tenants in Scotland, who ſhould continue in their duty and loyalty to his ſaid late Ma-jeſty; and for other purpoſes therein mentioned; further proviſions were made to amend and enforce ſo much of the act made in the nineteenth year of his Ma-jeſty's reign, as relates to the more ef-fectual disarming the highlands in Scotland, or the ſaid bounds and ſhires: and whereas it may be neceſſary or expedient for the publick welfare, that the proviſions made by the acts of the nineteenth and twenty first of his Ma-jeſty's reign ſhould be continued; be it therefore enacted by the King's mo-ve excellent ma-jeſty, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent parliament assembled, and by the au-thority of the ſame, That ſo much of the ſaid acts of the nineteen-thing and twenty first of his Ma-jeſty's reign, as relates to the more effectual disarming the highlands in Scotland, ſhall be fur-ther continued and remain in full force for the term of ſeven years, from and after the firſt day of Auguft one thouſand ſeven hundred and fifty three, and from thence to the end of the then next ſeſſion of parliament.*

So much of  
the recited  
acts as relates  
to the more  
effectual dis-  
arming the  
highlands in  
Scotland, fur-  
ther continu-  
ed for 7 years.

II. And whereas a doubt hath been entertained with reſpect to cer-tain bounds within the ſhire of Stirling, that were intended to be di-farmed

armed by all or any of the said recited acts; be it therefore enacted by the authority aforesaid, That from and after the twenty fourth day of June one thousand seven hundred and fifty three, all and every the parts or places of the shire of Stirling, lying or being on the north or north-west side of an imaginary straight line from the place called Ballamachall upon Loch Lomond, in the parish of Buchanan, to the kirk or bridge of Aberfoyle upon the river of Forth, shall be subject to all and every the provisions made by the said recited acts of the first of his late Majesty, and of the nineteenth and twenty first of his present Majesty, and by this present act, in the same manner as if the boundary herein described had been mentioned or inserted in the said several former acts relating to the disarming the highlands in Scotland.

the provisions  
for disarming  
the highlands.

III. And whereas by an act made in the twenty fifth year of his present Majesty's reign, (intituled, An act for annexing certain forfeited estates in Scotland to the crown unalienably, and for making satisfaction to the lawful creditors thereupon, and to establish a method of managing the same, and applying the rents and profits thereof for the better civilizing and improving the highlands of Scotland, and preventing disorders there for the future) it is among other things enacted, That the barony of Strowan, and other the lands, tenements and hereditaments which formerly belonged to Alexander Robertson of Strowan, and became forfeited to the crown by decree or sentence of forfeiture passed in the parliament of Scotland, in the year one thousand six hundred and ninety, be and the same are thereby annexed to the imperial crown of this realm, and declared to be and remain for ever unalienable from the same, and that the lawful debts thereon shall be paid in the same manner as is provided concerning the lands and premisses in the said act mentioned: and whereas by an act made in the twentieth year of his present Majesty's reign, intituled, An act for vesting in his Majesty the estates of certain traitors, and for more effectually discovering the same, and applying the produce thereof to the use of his Majesty, and for ascertaining and satisfying the lawful debts and claims thereupon; sundry provisions are made for the more effectual and speedy ascertaining the lawful debts and claims upon the forfeited estates which are thereby vested in his Majesty, of which the said barony of Strowan and other lands and hereditaments which formerly belonged to Alexander Robertson of Strowan are no part: and whereas it is necessary or expedient to make some further provision for the more speedy and effectual ascertaining the lawful debts and claims upon the said barony of Strowan and other hereditaments which formerly belonged to Alexander Robertson of Strowan; be it therefore enacted by the authority aforesaid, That all and every person or persons whatsoever, bodies politick and corporate, having any lawful claim to, upon or out of the said barony or other estates of Strowan before-mentioned, shall on or before the first day of December next to come, enter and present before the court of session in Scotland his, her or their claims or demands; or in default thereof, every such debt, claim or demand, shall be and is hereby declared to be null and void to all intents and pur-

20 Geo. 2.c.41

Claims upon  
the barony or  
other estates  
of Strowan to  
be entered in  
the court of  
session on or  
before 1 Dec.  
next, and in  
default there-  
of to be void.

poses whatsoever: and all such claims and demands shall be made and entered, tried and determined in the manner and according to the rules and provisions made in the said act of the twentieth year of his Majesty's reign, concerning the debts and claims upon the estates thereby vested in his Majesty, as if the said directions, rules and provisions, had been herein at length repeated; any law, statute or usage to the contrary in any wise notwithstanding.

C A P . XXX

*An act for the amendment and preservation of the publick  
highways and turnpike roads of this kingdom; and for the  
more effectual execution of the laws relating thereto.*

**W**HEREAS by the great number of waggons and other wheel carriages passing, travelling and used in and upon the publick highways and turnpike roads of this kingdom, and the excessive weights and burdens loaded and carried in and upon the same, and the small breadth and narrow dimensions of the fellies of the wheels of such waggons and other carriages respectively, great part of the said highways and roads are become ruinous, and almost impassable, and unless a speedy remedy be had in the premisses, all the provisions made by law for amending the highways and roads, and for maintaining and keeping the same in repair, will in great measure be rendered ineffectual, and the trade and commerce of this kingdom be thereby greatly prejudiced and obstructed: wherefore for remedying and preventing the said mischiefs and inconveniencies for the future; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That from and after the twenty ninth day of September one thousand seven hundred and fifty four, it shall not

The fellies of  
the wheels of  
waggons tra-  
velling on  
turnpike  
roads to be  
9 inches  
broad,

under penalty  
of 5 l. or for-  
feiture of one  
of the horses,  
&c.

II. And it is hereby enacted and declared, That the person or persons making such seizure or distress as aforesaid, shall deliver the horse, beast and things so seized and distrained, into the

the custody of the constable, or ſome other parish officer, of to the con-  
any town, parish or place, in or near the place where ſuch ſtible,  
feiſure or diſtreſſ shall be made; and every ſuch constable or who is to take  
pariſh officer reſpectively is and are hereby required to take and of till proof  
receive the ſame into his and their cuſtody, and ſafely keep the charge there-  
ſame, till the perſon or perſons making ſuch feiſure or diſtreſſ be made of  
ſhall make proof, upon oath, before ſome juſtice or juſtices of the offence;  
the peace, of the offence committed; and the ſaid juſtice or ju- and the juſtice  
ſtices before whom ſuch proof ſhall be made, is and are hereby to iſſue his  
required to iſſue his or their precept to ſuch constable or parish precept for  
officer immeadiately, to deliver the horſe, beaſt and other things the delivery.  
ſo forfeited, to the party or parties who feiſed or diſtrained the  
ſame, to and for his and their own uſe and benefit, paying ſuch  
reaſonable charges for keeping and ſecuring the ſame as ſuch ju- If proof be  
ſtice or juſtices ſhall allow or direct; but in caſe no ſuch proof not made  
ſhall be made within three days next after ſuch feiſure or di- within 3 days,  
ſtreſſ, that then ſuch horſe, beaſt or other thing feiſed or di- the diſtreſſ to  
ſtrained, ſhall be returned back to the owner or owners thereof, be returned.  
ſuch owner or owners paying reaſonable charges for keeping and  
ſecuring the ſame.

III. Provided always, That nothing in this act contained  
ſhall extend, or be conſtruēd to extend, to any chafe marine, Carriages ex-  
or to any coach, landau, berlin, chafe or calash; nor ſhall any emted.  
thing extend, or be conſtruēd to extend, to any waggon drawn by leſs than five horſes or beaſts of draught; or to any wain, cart or other two wheel carriages, drawn by leſs than four horſes or beaſts of draught; or to any waggon, wain, cart or other wheel carriage, drawn by oxen or neat cattle only.

IV. Provided always, and it is hereby enacted and declared, Carriages la-  
That from and immediately after the paſſing this act, it ſhall den with 1  
and may be lawfuſ to and for any carriage loaden with or carry- tree, or 1  
ing one tree or piece of timber, or one ſtone or block of marble block, having  
only, having the fellies of the wheels thereof of the breadth or the fellies 9  
gage of nine inches or upwards, to travel, paſſ or be driven in inches broad,  
or upon any turnpike road with any number of horſes or beaſts may be drawn  
of draught; and also for any waggon, or other four wheel car- with any  
riage, having the fellies of the wheels thereof of ſuch breadth or number of  
gage as aforesaid, to travel, paſſ or be driven upon any turnpike horſes;  
road as aforesaid, with any number of horſes or beaſts of draught and other  
not exceeding eight; and for any cart, or other two wheel car- four wheel  
riages, having the fellies of the wheels thereof of ſuch breadth or carriages with  
gage as aforesaid, with any number of horſes or beaſts of any number  
draught not exceeding five, without being ſubjeſt and liable to not exceeding  
be weighed at any crane, machine or engine, or to the addi- 5; without  
tional toll of twenty ſhillings, granted and made payable for any number  
every waggon or other carriage drawn by ſix horſes, in and by not exceeding  
an act paſſed in the twenty fourth year of the reign of his pre- 5; without  
ſent Maieſty, intituled, *An act for the more eſteſual prefervation being liable*  
*of the turnpike roads in that part of Great Britain called England;* to be weigh-  
*and for the diſpoſition of penalties given by act of parliament, relat- 24Geo.2.c.43.*  
*ing to the highways in that part of Great Britain called England;*

*and for enforcing the recovery thereof; and for the more effectual preventing mischiefs occasioned by the drivers riding upon carts, drays, cars and waggons, in the city of London, and within ten miles thereof; notwithstanding any thing contained in the said last-mentioned act, or any other law or statute to the contrary.*

or without  
being liable  
to forfeit any  
of the horses,  
by 6 Geo. 2.  
c. 6.

V. Provided always, and it is hereby further declared and enacted, That it shall and may be lawful for any waggon, wain, cart or other carriage, having the fellies of the wheels thereof of such breadth or gage as aforesaid, to travel, pass or be driven upon any turnpike road, without being subject or liable to forfeit and lose any one of the horses drawing the same, together with the geers, bridles and halters therewith used; any thing contained in an act passed in the sixth year of the reign of his late majesty King George, intituled, *An act for preventing the carriage of excessive loads of meal, malt, bricks, and coals, within ten miles of the cities of London and Westminster, to the contrary thereof notwithstanding.*

Waggons, &c.  
with broad  
wheels may  
be drawn  
with any  
number of  
horses not  
exceeding 8,

and carts, &c.  
with any  
number not  
exceeding 5.

Trustees for  
the roads to  
lessen the ex-  
traordinary  
tolls on car-  
riages with  
broad wheels  
drawn by  
more than a  
certain num-  
ber of horses:

VI. And to encourage all persons to use broad wheels, in order to preserve all the highways of this kingdom in good repair; be it further enacted, That from and immediately after the passing of this act, it shall and may be lawful for any waggon or other four wheel carriage, having the fellies of the wheels thereof of the breadth or gage of nine inches, or upwards, to travel, pass or be driven on any highway within Great Britain, with any number of horses or beasts of draught not exceeding eight; and for any cart or other two wheel carriage, having the like wheels, with any number of horses or beasts of draught not exceeding five, without being subject to any penalties or forfeitures for causing the same to travel, pass or be driven by a greater number of horses or beasts of draught than are now allowed by law; any thing contained in any statute to the contrary notwithstanding.

VII. And whereas in and by several acts of parliament made and passed for amending and repairing particular highways and roads within this kingdom, several high and extraordinary tolls and duties are granted and directed to be levied and paid for waggons and other wheel carriages drawn by more than a certain number of horses or beasts of draught therein respectively mentioned, with an intent in effect to prohibit the passage of such carriages, and thereby the better to preserve the said roads: now it is hereby further enacted, That it shall and may be lawful to and for the trustees appointed or to be appointed in or by virtue of any act of parliament now in force, or now depending in parliament respectively, for repairing and amending such particular highways or roads as aforesaid, or any nine or more of such trustees respectively within their respective districts; and they are hereby authorized and required to mitigate, lessen and reduce the said high and extraordinary tolls and duties for or in respect of such waggons or other wheel carriages only, having wheels of the breadth or gage herein before prescribed, in such manner as no greater toll or duty be demanded or taken for the same than is provided and directed

directed by the said acts respectively to be paid and taken for waggons and other four-wheel carriages drawn by five or four horses or beasts of draught; and the said trustees within their several districts, or any nine or more of them respectively, are hereby authorized and required to give directions in writing to the several collectors within such their respective districts, to take and receive such tolls or duties, and no other; any law or statute to the contrary notwithstanding.

VIII. And for the facilitating and more speedy accomplishing and effecting the good ends and purposes intended by this present act, it is hereby further enacted by the authority aforesaid, That the several trustees appointed by any act or acts of

Trustees for  
the roads to  
meet,

parliament for the surveying, ordering, amending and keeping in repair the several turnpike roads of this kingdom, or any five or more of them respectively, shall and may, and they are hereby authorized and required to meet from time to time, as there shall be occasion, at some convenient place within their respective districts, some time on or before the twenty ninth day of September one thousand seven hundred and fifty four, and to cause notice of such meetings respectively to be affixed in writing on the several toll-gates within their said several districts at least ten days before such meeting: and the said trustees respec-

and to order  
the surveyors  
to cause all  
the ruts, &c.  
order and direct the surveyor or surveyors of the said turnpike roads respectively to cause all the ruts and wheel tracks in the said roads to be beat down, thrown in and levelled; and the said roads to be widened where it shall be necessary, on or before the twenty ninth day of September one thousand seven hundred and fifty four.

1754.

IX. And it is hereby enacted and declared, That the charges and expences of such work so to be ordered and directed, shall be paid and defrayed out of the tolls and duties arising or to be raised by virtue or upon the credit of the said several acts made for repairing the said roads respectively.

X. And it is hereby further enacted, That the surveyors of highways of the several parishes, townships and places, wherein any highway or road intervening between and communicating with two different turnpike roads doth respectively lie, and shall, and they are hereby authorized and required to cause all the ruts and wheel tracks in such intervening roads respectively, to be beat down, thrown in, and levelled as aforesaid, on or before the said twenty ninth day of September one thousand seven hundred and fifty four; and in case any person or persons liable to and chargeable with the repairing the highways within any of the said parishes, townships or places respectively, shall neglect or refuse to do and perform his and their statute-work in and upon the same, at such times and in such manner as the said surveyor or surveyors respectively shall direct or appoint, or shall refuse to pay and contribute his or their proportion of the charges and expences of the same, then and

Justices to impower the surveyors to levy the same.

The trustees may order the fellies of the wheels of waggons, &c. to be measured at any turnpike;

and where the same shall appear to have been originally 9 inches broad,

and by use reduced to not less than 8 they are exempted from the penalty.

Penalty of obstructing the measuring or making distress.

in such case, it shall and may be lawful to and for any two or more justices of the peace of the county, riding, liberty or place, where such intervening roads do lie, upon complaint to them made upon oath of such neglect or refusal, by warrant under their hands and seals to authorize and impower the surveyor or surveyors of the highways to raise and levy such proportions of the charges and expences of the said works of and from the person and persons so refusing, and to enforce the payment thereof by such ways and means, and in such manner as the rates and assessments for repairing the highways in this kingdom are by law to be raised, levied and enforced.

XI. And, for the better discovering and detecting the offenders against this act, it is hereby further enacted, That it shall and may be lawful to and for all trustees appointed or to be appointed by any act or acts of parliament made or to be made for the repairing or amending any highway or highways within this kingdom, or any two or more of them, and they are hereby authorized and required, by writing under their hands, to order the fellies of the wheels of all waggons, wains, carts or other carriages, which are or ought to be of the breadth or gage herein before directed and prescribed, to be measured and gaged at any turnpike or toll-gate erected or to be erected upon any part of the highway or road in or upon which such waggon, wain, cart or carriage respectively shall travel, pass or be drawn.

XII. Provided always, That in case it shall appear to the satisfaction of the surveyor or surveyors, gate-keeper or gate-keepers of any turnpike road, that the fellies of the wheels of any waggon or wheel carriage, travelling or passing upon any such turnpike road were originally and when first made of the breadth of nine inches, and by long usage and wearing shall have been reduced to, and become of less breadth or gage; then, and in such case, it shall and may be lawful for such waggon or wheel carriage to travel, pass or bedrawn upon, any such turnpike road, so as the fellies of all the wheels thereof, respectively, be of the full breadth of eight inches at least; and the owner or owners of such waggon or wheel carriage shall not in such case be subject or liable to the penalties herein before inflicted and directed to be levied for driving or causing to be drawn, waggons and carriages, the fellies of the wheels whereof are under the breadth or gage of nine inches as aforesaid; any thing herein contained to the contrary notwithstanding.

XIII. And it is hereby further enacted and declared, That if any person or persons shall hinder, or attempt to prevent or obstruct the measuring or gaging the fellies of such wheels, or the seizing or distraining of any horse or beast of draught hereby directed to be forfeited, for the offences herein before mentioned, or shall use any violence to any person or persons employed or concerned in such measuring, gaging, seizing or distraining, as aforesaid, every person so offending shall, for every such offence, forfeit and pay the sum of ten pounds.

XIV. And be it further enacted by the authority aforesaid, That

That in case any person or persons shall, after the said twenty ninth day of September, drive, or act as the driver or drivers of any waggon, wain, cart or carriage, not having wheels thereto, according to the direction and true intent and meaning of this act, or drawn with more than the number of horses hereby respectively appointed (except as herein before is excepted) upon any turnpike road, that then and in every such case, it shall and may be lawful to and for the constable, tythingman, or surveyor of the highways, or any other inhabitant of the parish or place where the offence shall be committed, and to and for the surveyor or surveyors of the said turnpike road, and to and for any person or persons to be appointed by the trustees, or any five or more of them, to apprehend and take, or cause to be apprehended and taken, such person or persons so driving or acting as driver or drivers as aforesaid, before one or more justice or justices of the peace for the county, riding or division, where the said offence shall be committed, and upon conviction thereof, either by the confession of the party, or by the oath of one or more credible witness or witnesses, before such justice or justices of the peace (which oath the said justice or justices are hereby empowered and required to administer) every such person or persons so offending shall respectively forfeit and pay for and to forfeit every such offence the sum of five pounds, to be laid out, ap- plied and recovered, in such manner as other penalties hereby imposed are hereby directed and appointed to be recovered and applied; and in case the person or persons so offending and convicted, shall have no goods and chattels, whereon immediate distress may be had and made for the same, then it shall and may be lawful to and for such justice or justices of the peace, by warrant under his or their hand and seal, or hands and seals, to commit the offender or offenders to the house of correction, there to remain for the space of one month, or until he or they shall have paid the said sum of five pounds.

XV. And it is hereby further enacted by the authority aforesaid, That if any owner or owners of any waggon, wain or cart, owners of travelling for hire, shall, from and after the said twenty ninth day of September one thousand seven hundred and fifty four, drive, or cause to be driven, drawn or conveyed, such waggon, wain or cart, in or upon any turnpike road, not having his and their christian and surnames, and place of abode, written or painted in large legible letters upon the tilt or other conspicuous place of such waggon, every person so offending shall, for every such offence, be subject and liable to such and the same penalties and forfeitures, as the owners of waggons or carriages, having the fellies of the wheels thereof under the breadth or gage afore-mentioned, are made subject and liable by this act; and if any person or persons shall so write or paint, or cause to be written or painted, any false or fictitious name on such waggon, wain or cart, as aforesaid, every owner of such waggon, wain or cart, publickly used on any turnpike road, as aforesaid, with

Where wag-  
gons, &c. shall  
drive on turn-  
pike roads  
with wheels  
not of the  
breadth re-  
quired, or with  
more horses,  
the driver to  
be carried be-  
fore a justice,

and for want  
of distress to  
be committed.

Penalty on  
waggons, &c.  
have their  
names on the  
tilt, &c.

or using a  
false name.

with such false or fictitious name, shall for every such offence forfeit and pay the sum of fifty pounds.

Penalties may be recovered by action, &c. with treble costs;

or in a summary way before two justices.

Method to be observed by the justices on complaint made of the said offences.

Persons aggrieved may appeal to the quarter sessions.

Notice of appeal to be given,

XVI. And be it further enacted, That the several penalties and forfeitures inflicted and directed to be forfeited and paid by this act, and not hereby otherwise provided for, shall and may be recovered by any person or persons who shall sue, inform and prosecute for the same, either by action of debt, bill, plaint or information in any of his Majesty's courts of record at *Westminster*, with treble costs of suit; in which no protection, wager of law or more than one imparlance shall be allowed; or by a summary way or proceeding before any two or more justices of the peace for the county, riding or place where such offence shall be committed, at the option of the person or persons who shall prosecute for the same; and for which purpose it shall and may be lawful to and for such justices to hear and determine any of the offences against this act; and they are hereby authorized and required, upon any information exhibited, or complaint made in that behalf within ten days after such offence committed, to summon the party or parties accused, and also the witnesses on either side; and in case the party accused shall not appear upon such summons, then, upon oath made of the committing any of the facts above-mentioned by one or more credible witness or witnesses, to issue a warrant or warrants for apprehending the party offending, within the jurisdiction of such justices; and upon the appearance, or contempt of the party accused in not appearing (upon the proof of notice given) to proceed to the examination of the witness or witnesses on oath, and which such justices are hereby authorized, impowered and required to administer, to give judgment or sentence accordingly; and where the party accused shall be convicted of such offence, either by the view of such justices, or any of them, or upon such information as aforesaid, or on confession of the party accused, to award and issue warrants for the levying any pecuniary penalties so adjudged, together with the costs of such prosecution, on the goods of the offender, and to cause sale to be made thereof, in case they shall not be redeemed within five days, rendering to the party the overplus (if any there be) and where goods of such offenders cannot be found, to commit such offender to prison, there to remain for the space of three months, or until such pecuniary penalty or penalties shall be paid; and if any person or persons shall find himself or themselves aggrieved, or remain unsatisfied in the judgment of the said justices, it shall and may be lawful to and for such person and persons to appeal to the justices of the peace at the next quarter sessions for the county, city, liberty or place where the matter in question shall arise; and the said justices are hereby authorized and required to take cognizance thereof, and to hear the complaint or complaints of the person or persons so aggrieved; so as such person or persons so complaining do give notice in writing of such his, her or their intention to bring and prosecute any such appeal, unto the person and persons complained of, at least fourteen

teen days before the quarter sessions; and shall within five days after such notice given enter into a recognizance with two sufficient sureties, before one or more justice or justices of the peace of <sup>and recogni-</sup>  
~~zance with~~  
 and for such county, riding, liberty or place where such appeal entered into, shall lie, to try such appeal at the quarter session of the peace to be held for such county, riding, liberty or place next and immediately after such notice given; and the said justices, upon hearing the matter of the said complaint or upon due proof made to them of such notice given by the party or parties complaining (although he or they shall not prosecute the said appeal) shall and may, at their discretions, mitigate the penalties or forfeitures incurred by the party complaining, or vacate or set aside the conviction or conviction<sup>n</sup>, or set the party or parties at liberty, or otherwise may ratify and confirm the same, with such costs, as to them shall seem reasonable; and also by their order or warrant to cause such costs to be levied by distress and sale of the goods of the person so giving such notice of appeal as aforesaid; and for want of sufficient distress to commit the party or parties to the common gaol of the county, riding, liberty or place wherein such appeal shall be heard and determined, for any time not exceeding two months, or until payment of such costs shall be made; and if the person ordered to pay such costs shall happen to live in any county, riding, liberty or place without the jurisdiction of the said court, it shall and may be lawful for any justice of the peace of the county, riding, city, liberty or place wherein such person shall inhabit, and every such justice is hereby authorized and required, upon request to him for that purpose made, and upon a true copy of the order for payment of such costs produced and proved by some credible witness upon oath, by warrant under his hand and seal, to cause the money mentioned in that order to be levied by distress and sale of the goods of the person ordered to pay the same; and if no sufficient distress can or may be had, to commit such person to the common gaol of that county, riding, city or liberty for any time not exceeding two months, or until payment of such costs as aforesaid.

XVII. And it is hereby further enacted and declared, That Application of all the pecuniary penalties and forfeitures recovered and levied by virtue and in pursuance of this act shall be paid, applied and disposed of in manner following; that is to say, one moiety thereof to the person or persons who shall inform and sue for the same, and the other moiety thereof to the trustees for repairing the road where the said offence shall be committed, or to such person or persons as they, or any five or more of them, shall by writing under their hands order, direct or appoint, in order that the same may be applied for and towards the repairing the said road.

XVIII. And whereas many wise provisions have been made by several acts of parliament for punishing offences committed upon the turnpike roads in this kingdom, but the same have been so much neglected, that offences against the said laws are daily committed with

Laws relating to turnpike roads to be put in due execution,

and the trustees to make orders for that purpose,

and to appoint persons to carry on prosecutions.

Surveyors to give notice of all offences.

Officer found negligent in his duty, to be removed.

Victuallers disabled from holding any place of trust under the tolls;

or of farming the same.

*impunity for want of making it the duty of proper persons to take care that prosecutions are effectually carried on against offenders: to the end therefore that offenders against the said laws should not go unpunished, be it enacted by the authority aforesaid, That all the laws made, or hereafter to be made by any act or acts of parliament, whereby toll-gates or turnpikes are or shall be enacted to be made and erected for collecting tolls for amendment of any roads, and all other laws relating thereto, shall from henceforth be put in due execution; and for that purpose the trustees empowered to act under the authority of the said several acts respectively, or any five or more of them, are hereby required at the next and other publick meetings, from time to time, to make proper rules and orders for the more effectual putting the said laws in execution, and to appoint such person or persons as they shall think fit effectually to carry on prosecutions for offences committed against this act, or any of the said laws, within their respective limits and districts; and to give strict charge and commands to their surveyor or surveyors to be diligent in visiting frequently the said roads, and in taking due care to see and inquire if any offence or offences are or have been committed upon the said roads respectively, and by whom the same hath or have been committed: and all the officers belonging to the said turnpike roads respectively are hereby required, as often as any offence or offences against any of the said laws shall come to his or their knowledge to have been committed upon the said turnpike roads within their respective districts, to give immediate notice thereof to some one of the trustees of the said roads, who shall forthwith procure a meeting of the trustees belonging to the said roads, or any five or more of them, who shall give immediate directions for prosecuting such offences.*

XIX. And be it enacted by the authority aforesaid, That this act shall be openly and publickly read in the presence of the said officers as often as there shall be a meeting of the said trustees, or any five or more of them: and if any such officer shall be found to have been negligent in his duty required by this act, or to have omitted giving notice as aforesaid, every such officer shall be forthwith removed from his office by the said trustees respectively, or any five or more of them, and is hereby for ever after rendered incapable of holding any office whatsoever under the said trust.

XX. And it is hereby further enacted, That no person or persons who shall keep any victualling-house, alehouse or other house of publick entertainment, or who shall sell any wine, cyder, beer, ale, spirituous or other strong liquors by retail, shall be capable of taking, holding or enjoying any place or places of trust or profit under the trustees of any act of parliament made or to be made for erecting turnpikes respectively, or of farming the tolls thereby granted and made payable, during such time as he shall keep such victualling-house, alehouse or other house of publick entertainment, or shall sell any wine, cyder, beer, ale, spirituous or other strong liquors by retail.

XXI. And

XXI. And be it enacted by the authority aforesaid, That in case any action or prosecution shall be commenced and prosecuted in pursuance of this act, under the authority and by the trustees direction of the said trustees, or any five of them, in every such case the trustees of such turnpikes respectively, or any five or more of them shall, out of the profits arising by the tolls of such turnpike road, allow and pay to the prosecutor so much as the costs allowed by law shall fall short of reimbursing him his just and reasonable expences.

XXII. Provided, That nothing in this act shall be construed to oblige the said trustees to commence or prosecute, or cause to be commenced or prosecuted any action or proceeding for any such offences, unless upon the confession of the offender, or that one or more witness or witnesses can be had and produced, to prove the commission of such offence.

XXIII. And it is hereby further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done or acted in pursuance of this act, then and in every such case such action or suit shall be commenced or prosecuted within six calendar months next after the fact committed, and not afterwards; and the same and every such action or suit shall be brought in the county, riding or place where the person against whom such action or suit shall be commenced doth ordinarily inhabit and reside, and not elsewhere; and the defendant or defendants in every such action or suit shall and may plead the general issue, and give this act and the special matter in evidence, at any trial to be had thereupon; and that the same was done in pursuance of and by the authority of this present act; and if the same shall appear to have been so done, or if any such action or suit shall be brought after the time herein before limited for bringing the same, or be brought or laid in any other county or place than as aforesaid, then the jury shall find for the defendant or defendants; or if the plaintiff or plaintiffs shall be nonsuited, or discontinue his, her or their action, after the defendant or defendants shall have appeared; or if upon demurrer judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have the like remedy for recovery thereof, as any defendant or defendants hath or have in any other cases by law.

### C A P. XXXI.

*An act for regulating the manner of licensing alehouses in that part of Great Britain called England; and for the more easy convicting persons selling ale and other liquors without licence.*

WHEREAS the laws concerning alehouses, inns and victualing-houses, and the licensing thereof, are defective and insufficient for correcting and suppressing the abuses and disorders frequently done and committed therein, and also for the conviction and due

General issue.

Treble costs  
See 28 Geo. 2.  
c. 17.

**Justices licen-**  
sing alehouses,  
&c. to take  
recognizance  
in the sum of  
10l. for the  
maintenance  
of good order;

and to send the  
recognizances  
to the clerks  
of the peace,

on penalty of  
31. 6s. 8d.

Licences to be  
granted to  
none not li-  
cented the year  
preceding,  
unless such as  
shall produce  
certificates of  
their good  
fame.

Licensed per-  
son dying or  
die or remove from an alehouse,  
removing, the  
successor, up-

*due punishment of persons taking upon themselves to sell ale, beer or other liquors by retail without licence: be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That upon granting licences by justices of the peace to any person to keep an alehouse, inn, victualling-house, or to sell ale, beer and other liquors by retail, every such person shall enter into a recognizance to the King's majesty, his heirs and successors, in the sum of ten pounds, with two sufficient sureties, each in the sum of five pounds, or one sufficient surety in the sum of ten pounds, under the usual condition, for maintenance of good order and rule within the same; and in case the person applying for such licence shall be hindered through sickness or infirmity, or any other reasonable cause, to be allowed by the said justices of the peace, to attend in person at the meetings of the same justices for granting the said licences, then, that it shall and may be lawful for them to grant such licence, upon two sufficient sureties entering into such recognizance, each in the penalty of ten pounds, for performance of the condition of the said recognizance; which said recognizance, with the condition thereof, fairly written or printed, shall forthwith, or at the next general or quarter session of the peace at farthest, after granting such licences, be sent or returned to the clerks of the peace, or persons acting as such, for every county, riding, city, liberty or town corporate in that part of Great Britain called England, wherein such licences shall be granted, under the hands of the justices of the peace before whom such recognizances were taken, to be by the said clerks of the peace, or such other person acting as such, duly entered or filed amongst the records of the sessions of the peace; and that for every such licence granted without taking such recognizance, and for every such recognizance taken, and not sent or returned as aforesaid, every justice of the peace signing such licence shall forfeit the sum of three pounds six shillings and eight pence.*

II. And for the better preventing disorders in alehouses, be it further enacted, That no licence to keep the same shall be granted to any person not licensed the year preceding, unless such person produce at the general meeting of the justices in September, a certificate under the hands of the parson, vicar or curate, and the major part of the churchwardens and overseers, or else of three or four reputable and substantial householders and inhabitants of the parish or place where such alehouse is to be, setting forth that such person is of good fame and of sober life and conversation; and it shall be mentioned in such licence, that such certificate was produced, otherwise such licence shall be null and void.

III. Provided nevertheless, That if any licensed person shall die or remove from an alehouse, it shall be lawful for the person succeeding to such house to keep on the said alehouse during

during the residuc of the term of such licence, on condition that within thirty days after such death or removal such person obtain such certificate as aforesaid, to be signed by some neighbouring justice, in order to its being produced at the next general meeting in September; and if such certificate be not so obtained and signed within the said thirty days, then immediately from and after the expiration thereof, such licence shall be null and void; and no licence shall intitle any person to keep an alehouse in any other place than that in which it was first kept by virtue of such licence, and such licence, with regard to all other places shall be null and void.

IV. Whereas by an act made in the second year of his present Majesty's reign, intituled, An act to revive the laws therein mentioned; amongst other things it was enacted, That no licence shall be

granted to any person to keep a common inn or alehouse, or to retail any brandy or strong waters, but at a general meeting of the justices of the peace acting in the division where the said person dwells, to be holden on the first day of September yearly, or within twenty days after; or at any other general meeting of the said justices to be holden for the division wherein the said person resides; which regulation, by reason of the last-mentioned provision, has been found by experience not to have the effect intended by the said regulation; be

it therefore enacted by the authority aforesaid, That the last in the said before-mentioned provision shall be and is hereby repealed; and that from henceforth no licence for the purposes aforesaid shall

be granted, but on the first day of September yearly, or within twenty days after; and that such licence shall be made for one

year only, to commence on the twenty ninth day of the said September; and that the day and place for granting such licences shall be appointed by two or more of the justices acting for the division, by a warrant under their hands and seals, at least ten days before such meeting, directed to the high constable or high constables of the said division, requiring him or them to order his or their respective petty constables or other peace officers, to give notice to the several inn-keepers and alehouse-keepers within their respective constabewicks, of the day and place of such meeting; and all licences hereafter granted at any other time or place shall be null and void to all intents and purposes whatsoever.

V. And be it further enacted, That the clerks of the peace shall keep a register or calendar of all the recognizances so sent or returned, and shall deliver or cause to be delivered to the justices of the peace at their general meetings in September every year, for granting licences in each division or place, a true copy of such register or calendar; and that for every recognizance there shall be paid by the clerk or clerks of the justices taking such recognizances to the said clerks of the peace, as their fee for filing or recording the said recognizance, and for making and delivering copies of the said register or calendar thereof, as aforesaid, the sum of one shilling, and no more; which shall

be paid to the clerks of the said justices by the persons licensed, over and above the fees payable to the said justices clerks.

Recovery of the forfeitures for granting licences without taking a recognizance.

VI. And be it enacted by the authority aforesaid, That the said forfeitures for granting licences, without taking recognizances, shall and may be sued for and recovered by action of debt, bill, plaint or information, in any of his Majesty's courts of record at *Westminster*, for the use of the person or persons who shall sue or prosecute for the same, together with costs of suit; wherein no escoin, wager of law, or more than one imparlance shall be allowed.

Where a justice shall adjudge the recognizance to be forfeited, he is to summon the party to the quarter-sessions, &c.

VII. And be it further enacted by the authority aforesaid, That any justice of the peace of any county, riding, city, liberty or town corporate, wherein such licence shall be granted, upon complaint or information that such licensed person hath done or committed any act, offence or misdemeanor, whereby in the judgment of the same justice such recognizance may be forfeited, or the condition thereof broken, may by summons under his hand and seal require such person so complained of, or informed against, to appear at the next general or quarter session of the peace for the said county, riding, city, liberty or town corporate, then and there to answer to the matter of such complaint or information; and also may bind the person or persons who shall make such complaint or information, or any other person or persons, in a recognizance to appear at such general or quarter session, and give evidence against such person so complained of or informed against; and the justices of the peace in their general or quarter sessions shall have power to direct the jury which shall attend at such sessions for the trial of traverses, or some other jury of twelve honest and substantial men, to be then and there impanelled by the sheriff, without fee or reward, to inquire of the misdemeanor charged in the said complaint or information; and if such jury shall find that the person so complained of, or informed against, hath done any act whereby the condition of his recognizance is broken, such act being specified in such complaint or information, it shall and may be lawful for the court at such general or quarter sessions to adjudge such person guilty of the breach of such recognizance; which verdict and adjudication shall be final to all intents and purposes; and thereupon the said justices shall order the recognizance entered into by such offender to be estreated into his Majesty's court of *exchequer*, to be levied to his Majesty's use; and that the said person, the condition of whose recognizance shall be adjudged to be broken and forfeited, shall, from and after such adjudication, be utterly disabled to sell any ale, beer, cyder, perry, spirituous liquors or strong waters, for the space of three years; and any licence or licences granted or to be granted to such person during such term, shall be void, and of none effect.

and the jury finding him guilty, the recognizance is to be estreated,

and he is disabled from selling beer, &c. for 3 years.

Justices may adjourn the trial to next sessions.

VIII. Provided, That the said justices may at the request of the prosecutor or party so complained of, or informed against, or either of his or her sureties, if they shall see just, adjourn the hearing and trial of the said complaint or information to the then

then next general or quarter sessions of the peace, where the same shall be finally determined.

**X.** And whereas many persons presume to sell ale, beer, cyder, perry or other liquors, without such licence as is required by law for selling the same; and it is difficult, by reason of many evasions that are made use of, and by some defects in former laws, to convict such offenders; be it therefore enacted, That where any justice of the peace shall suspect that any alehouse-keeper, victualler or retailer, sells ale, beer, cyder or perry, without such licence, it shall be lawful for such justice to call such suspected person before him, and also any excise officer or gauger, to produce before such justice, his stock book, or other account which such officer keeps, of the charge or survey of such suspected person, in respect of any of the liquors aforesaid; and likewise to examine such excise officer or guager upon oath, touching the manner in which such officer surveys or charges such suspected person, in respect of any of the liquors aforesaid, or how or in what manner such suspected person actually pays the duties for any of the said liquors; and if it shall appear by such stock book or other account, or by the examination of the said officer or gauger; that such person so suspected of selling any of the liquors aforesaid, is surveyed as a victualler or retailer, and is charged with the same duties that victuallers and retailers are usually charged with, and pay for any of the liquors aforesaid, and is not intitled to the allowance or abatement given to common brewers, then and in such case such suspected person shall be deemed an alehouse-keeper, victualler, retailer or seller of any of the liquors aforesaid, to all intents and purposes, as if the same had been proved by two witnesses.

**X.** And be it further enacted, That if any person shall make information before any one justice of the peace, and shew probable cause that he suspects that any person sells ale, beer or other liquors without a licence from two justices, it shall be lawful to and for such justice to call such suspected person before him, and also to summon any other person or persons as evidence, to prove the charge against such suspected person; and if such person so summoned shall refuse to appear, or when party and appearing, shall refuse to be examined upon oath, and give evidence as aforesaid, such person or persons shall forfeit the sum of ten pounds, to be levied by distress and sale of the goods and chattels of such offender or offenders, by warrant under the hand and seal of such justice, rendering to him or them the overplus, after charges of the said distress and sale deducted, to be paid to the overseers for the use of the poor of the parish or place where such person or persons so offending shall live.

**XI.** And be it further enacted, That if any person shall be disabled by conviction to sell ale, beer, cyder or perry, such person shall by the same conviction be also disabled to sell any spirituous liquors or strong waters, any licence before obtained for that purpose notwithstanding; and every licence granted to the person so convicted, to sell ale, beer, cyder, perry, spirituous liquors,

ous liquors, strong waters or any of them, from the time of such conviction shall be null and void; and every person selling ale, beer, cyder, perry, spirituous liquors, strong waters, or any of them, during the term of such disability, shall be subject to all or such of the penalties, as are respectively inflicted by law for selling ale, beer, cyder, perry, spirituous liquors, strong waters, or any of them, by retail without a licence; and in all prosecutions of such offenders, a certificate from the clerk of the peace (or person acting as such) of any such conviction, shall be legal evidence; which certificate such clerk of the peace or person shall grant on demand without fee or reward.

**Penalty of selling ale, &c.  
without a licence from  
two justices;**

**to be levied by  
distress and  
sale;**

**one moiety to  
the informer,  
and the other  
to the poor;  
for want of  
distress, the  
person to be  
committed,**

**Conviction to  
be certified to  
the next quar-  
ter sessions,  
and filed.**

XII. And be it further enacted, That every person so convicted of the offence of selling ale, beer, or other liquors, without a licence from two justices of the peace, shall for every such first offence, forfeit the sum of forty shillings; and for every such second offence, shall forfeit the sum of four pounds; and for every such third offence, shall forfeit the sum of six pounds; all which said respective forfeitures shall and may be levied by distress and sale of the goods and chattels of every such offender (rendering to him the overplus, after charges of the said distress and sale deducted) by warrant under the hand and seal of the justice convicting such offender; and shall be paid one moiety thereof to the informer, and the other moiety thereof to the overseers of the poor, for the use of the poor of the parish or place where such offence was committed; and if no sufficient distress shall be found, whereon to levy the said respective forfeitures, then the said justice of the peace shall and may commit every such offender so respectively convicted as aforesaid, to the common gaol, or other prison, or house of correction, within his jurisdiction, without bail or mainprize, for the space of one month, for the first offence; and for the second offence, for the space of two months; and for the third offence, until such offender shall be discharged by order of the court of general quarter sessions.

XIII. And be it further enacted, That every conviction of any offender for selling ale, beer, or other liquors without such licence, or after being disabled to sell, as aforesaid, shall be certified by the justice of the peace making the same, to the next general or quarter session of the peace, to be filed or entered amongst the records of the said session; and that such conviction shall and may be drawn up and certified in the following form of words, as the case shall happen, or in any other form of words to the same effect, *mutatis mutandis*, that is to say,

**Form of con-  
viction.**

Middle- } A. B. is convicted on his or her own confession (or, on  
} sex. } the oath of \_\_\_\_\_ ) of having sold  
ale, beer, or other liquors, in the parish of \_\_\_\_\_  
in this county, on the \_\_\_\_\_ day of \_\_\_\_\_  
being licensed thereto according to law (or, after being disabled to  
sell, as the case may be) given under my hand and seal this  
day of \_\_\_\_\_

And

And there shall be added, That the same is the first, second, or third conviction; which said conviction, in the same or the like ~~form of words~~, shall be good and effectual in law to all intents and purposes, and shall not be quashed, set aside, or adjudged void or insufficient, for want of any other form or words whatsoever.

XIV. Provided always, That such offender who shall be punished by virtue of this act, shall not be punished again for the same offence by any former act; and that such offender who shall be punished by virtue of any former act, shall not be punished again for the same offence, by virtue of this present act, or any thing herein contained.

XV. Provided always, That this act, or any thing herein contained, shall not in any wise be prejudicial to the privilege of licensing taverns and other publick houses, claimed by the two universities of that part of Great Britain called England, or either of them, nor to the chancellor, masters and scholars, or any officers of the same, or their successors, but that they may use and enjoy such privilege as they have heretofore lawfully used and enjoyed; any thing herein contained to the contrary notwithstanding.

XVI. Provided always, That nothing herein contained shall extend or be construed to extend to alter the time or times of granting licences for keeping of common inns or alehouses, or to oblige persons not licensed the year preceding to produce certificates, in any city or town corporate.

XVII. Provided always, and be it enacted by the authority aforesaid, That any person shall be deemed a competent witness, and be admitted to give evidence upon any information or complaint for any offence committed against this act, notwithstanding such person be an inhabitant of or charged or liable to be charged to the payment of any rates or assessments for the relief of the poor of any parish or place where such offence shall be committed.

### C A P. XXXII.

*An act for continuing several laws relating to the punishment of persons going armed or disguised in defiance of the laws of customs or excise; to the drawback of the duties upon copper bars exported; and to the duties upon foreign-made sail cloth; and also for encouragement of the silk manufactures; and for taking off several duties on merchandizes exported; and for encouraging the trade of the sugar colonies in America; and for vacating the security for the duty on salt lost in any river, or in port, after shipped; and for enlarging the time for proving the loss of salt; and for relief of masters of ships with respect to the importation of soap and candles, contrary to an act made*

*made in the twenty third year of his Majesty's reign; and also for the more effectual payment of the bounties upon British-made sail cloth; and to empower the commissioners of the treasury to direct the payment of the bounty to John Henniker, and others, upon four ships fitted out for the whale fishery, and lost in the Greenland seas; and also to Philip How, and others, upon two ships employed in the said fishery, notwithstanding some of the forms required by law in fitting out such ships, were not complied with.*

**W**H E R E A S several laws herein after mentioned, have by experience been found useful and beneficial, and are near expiring; may it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That so much of an act made in the nineteenth year of his present Majesty's reign, intituled, *An act for the further punishment of persons going armed or disguised in defiance of the laws of customs or excise; and for indemnifying offenders against those laws upon the terms in this act mentioned; and for the relief of officers of the customs in informations upon seizures;* which act was to continue in force for the space of seven years, and from thence to the end of the next session of parliament, as relates to the further punishment of persons going armed or disguised in defiance of the laws of customs or excise; and to the relief of officers of the customs in informations upon seizures, shall be, and the same is hereby further continued, from the expiration thereof, until the twenty fourth day of June one thousand seven hundred and fifty eight, and from thence to the end of the then next session of parliament.

**C**lause in 9 & 10 Will. 3. c. 26. **I**I. And be it further enacted by the authority aforesaid, That the clause contained in an act made in the ninth and tenth years of the reign of his late majesty King William the Third, intituled, *An act to settle the trade to Africa,* for allowing during a limited time a drawback of the duties upon the exportation of copper bars imported; and which clause after the expiration thereof was, by an act made in the twelfth year of the reign of her late majesty Queen Anne, revived and continued for fourteen years, and from thence to the end of the then next session of

**12 Ann. fl. 1. c. 18. t. 5. fur-  
thercontinued to 24 June  
. 758 33 Geo. I. c. 27** parliament; and also the proviso in the said last act contained, that no drawback shall be allowed on the exportation of any copper but such as had been or should be imported from the East Indies and the coast of Barbary only; and which said clause and proviso by another act made in the thirteenth year of the reign of his late Majesty, were further continued for fourteen years, and from thence to the end of the then next session of parliament; and which said clause and proviso by another act made in the fifteenth and sixteenth years of his present Majesty's reign, were further continued for fourteen years, and from thence

thence to the end of the then next session of parliament, shall be, and the same is hereby further continued from the expiration thereof until the twenty fourth day of June one thousand seven hundred and fifty eight, and from thence to the end of the then next session of parliament.

III. And be it further enacted by the authority aforesaid, That <sup>19Geo.2 c.27.</sup> an act made in the nineteenth year of his present Majesty's reign, intituled, *An act for the more effectual securing the duties now payable on foreign-made sail cloth imported into this kingdom; and for charging all foreign-made sails with a duty; and for explaining a doubt concerning ships being obliged, at their first setting out to sea, to be furnished with one compleat set of sails made of British sail cloth;* which was to continue in force from the twenty fourth day of June one thousand seven hundred and forty six, for the term of seven years, and from thence to the end of the then next session of parliament, shall be, and the same is hereby further continued from the expiration thereof until the twenty-fourth day of June one thousand seven hundred and fifty eight, and from thence to the end of the then next session of parliament.

IV. And be it further enacted by the authority aforesaid, That the several clauses contained in an act made in the eighth year of the reign of his late Majesty, intituled, *An act for encouragement of the silk manufactures of this kingdom; and for taking off several duties on merchandizes exported; and for reducing the duty upon beaver skins, pepper, mace, cloves and nutmegs imported; and for the importation of all furs of the product of the British plantations into this kingdom only; and that the two corporations of assurance, on any suits brought on their policies, shall be liable only to single damages and costs of suit, relating to the encouragement of the silk manufactures of this kingdom; and for taking off several duties on merchandizes exported;* which were to continue in force for three years from the twenty-fifth day of March one thousand seven hundred and twenty two, and from thence to the end of the then next session of parliament; and which clauses were, by an act made in the eleventh year of his said late Majesty's reign, continued from the expiration thereof for three years, and from thence to the end of the then next session of parliament; and by another act made in the second year of his present Majesty's reign, were further continued from the expiration thereof for three years,

<sup>Clauses in 1 Geo. 1. c. 15, further continued to 24 March 1758.</sup>

and from thence to the end of the then next session of parliament; and by another act made in the second year of his present Majesty's reign, were further continued from the expiration thereof until the twenty ninth day of September one thousand seven hundred and thirty four, and from thence to the end of the then next session of parliament; and which by another act made in the eighth year of his present Majesty's reign, were further continued until the twenty-fifth day of March one thousand seven hundred and forty two, and from thence to the end of the then next session of parliament; and which by an act made in

<sup>11Geo.1. c.29.</sup>

<sup>2Geo.2.c.28.</sup>

<sup>2Geo.2.c.18.</sup>

<sup>15Geo.2.c.35.</sup>

the fifteenth year of the reign of his present Majesty, were further

ther continued until the first day of June one thousand seven hundred and forty seven, and from thence to the end of the  
 20Geo.2.c.45. then next session of parliament; and which by an act ~~made~~ in the twentieth year of the reign of his present Majesty, were fur-  
 ther continued until the first day of June one thousand seven hundred and fifty four, and from thence to the end of the then  
 next session of parliament, shall be, and the same is hereby fur-  
 ther continued from the expiration thereof until the twenty-  
 fourth day of March one thousand seven hundred and fifty eight,  
 and from thence to the end of the then next session of parlia-  
 ment.

6 Geo. 2. c. 13. V. And be it further enacted by the authority aforesaid, That  
 continued to  
 24 June 1756. an act made in the sixth year of the reign of his present Majesty, intituled, *An act for the better securing and encouraging the trade of his Majesty's sugar colonies in America*, which was to continue in force for five years, to be computed from the twenty fourth day of June one thousand seven hundred and thirty three, and to the  
 11Geo.2.c.18. end of the then next session of parliament; and which by an act made in the eleventh year of his present Majesty's reign, was further continued from the expiration thereof for the further term of seven years, and from thence to the end of the then  
 19Geo.2.c.23. next session of parliament; and which by an act made in the nineteenth year of his present Majesty's reign, was further con-  
 tinued from the expiration of the said last mentioned term for the further term of seven years, and from thence to the end of the then next session of parliament, shall be, and the same is hereby further continued from the expiration thereof until the twenty-fourth day of June one thousand seven hundred and fifty-six.

2&3 Ann.c.14. VI. And whereas by an act passed in the second and third years of the reign of her late majesty Queen Anne, (intituled, An act for the better securing and regulating the duties upon salt, it is enacted, That where any salt or rock salt (the duties whereof shall have been paid, or secured to be paid, according to the direction of the former laws relating to the said duties on salt) shall be shipped or laid on board any ship or vessel in any port, river or place within the kingdom of England, dominion of Wales, or town of Berwick upon Tweed, in order to be exported to parts beyond the seas, or be carried coast-wise; and the said salt or rock salt so shipped or laid on board, shall happen to perish by the sinking of the ship or vessel on which the same shall be shipped or laid on board, before the said ship or vessel shall go out of such port or place, and before the exporter of such salt shall be intitled to a drawback or allowance of the duties thereof, that then and in such case the exporter or proprietor of the said salt or rock salt so perished shall, upon proof made before the justices of the peace at the next general quarter-sessions of the peace to be held for the county, city, riding, division or place, next to the place where the said salt or rock salt shall so perish, of the loss of the salt or rock salt so shipped, receive from the said sessions a certificate that such proof was made before them; and upon producing the said certificate to any of his Majesty's collectors or officers appointed to collect the said duties on salt, the said collectors

collectors and officers are thereby required to let the said exporter or proprietor buy the like quantity of salt or rock salt as is expressed in the said certificate to be so perished, without paying to her Majesty any duty of excise for the same, in the same manner as if such salt or rock salt had so perished, going coastwise from one port of England to another: and whereas by an act made in the eighth year of the reign of his majesty King George the First, intituled, An act for taking off the duty upon all salt used in the curing of red herrings, and laying a proportionable duty upon all red herrings consumed at home only; and for ascertaining the customs and excise payable for the sugar houses in Scotland; and for making an allowance for salt lost in any harbour or river of this realm; and for the better securing the duties on salt delivered in Scotland, it is among other things enacted, That the owners of any salt, which after due payment of the duty shall perish or be lost in any of the ports or harbours, or rivers of this realm, by storms or rages of the tides from sea, or otherwise, shall upon such proofs made thereof in all points, and in manner as is directed by the afore-mentioned act of the second and third years of the reign of her late majesty Queen Anne (that gives relief in cases of salt lost by violent or stormy weather at sea) be intitled to such certificate, and thereupon to such right and privilege, as any owners of the like salt lost at sea in the like case are intitled to by virtue of the said act; which privilege is to buy the like quantity of salt as is expressed in the certificate to be lost, without paying to his Majesty any duty of excise for the same: and whereas the exporters of salt to foreign parts do give bond for the duty of the same, which bond is discharged by a debenture upon the exportation thereof, but in such cases where the salt is lost in carrying the same down the river in order to be shipt on board the vessel in which the same is to be exported, or lost in the port after the same is shipped, and before the exporter is or can be intitled to a debenture, the exporter or owner of the salt so lost, upon proof thereof in manner as directed by the afore recited acts, obtains a certificate of such proof being made, which certificate intitles him by the said acts to buy the like quantity of salt as is expressed therein to have been lost, without paying any duty for the same, but cannot be applied to the discharge of the bond given for the duty of the salt lost, the exporter therefore must discharge the bond in money without any abatement, and when he has so done, he cannot export the salt delivered him duty-free, so as to be intitled to a drawback thereupon, but must sell it for home consumption greatly to his disadvantage, as the dealers in salt for home consumption have a discount on prompt payment of the duty, and an allowance for waste on salt carried coastwise: for remedy whereof be it enacted by the Certificate for authority aforesaid, That where any salt or rock salt hath been salt lost, to value the security given for payment of the duty.

is ship, and before the exporter is or can be intitled to a debenture, and proof thereof hath been or shall be made in all points, and in manner as directed by the afore recited acts, then and in every such case the certificate or certificates for all such salt

salt or rock salt that hath been lost or shall be lost, shall and may be applied by the collector of the duties on salt, for the place where the duty on such salt or rock salt hath been or shall be secured to be paid, to discharge and vacate the security given, or to be given for the duty of so much salt as shall appear by such certificate to have been lost; any thing in the said in part recited acts, or any other act to the contrary in any wise notwithstanding.

4&5 Ann. c. 12.

VII. And whereas by an act passed in the fourth and fifth years of the reign of her late majesty Queen Anne, intituled, An act for laying further duties on low wines; and for preventing the damage to her Majesty's revenue by importation of foreign-cut whalebone; and for making some provisions as to the stamp duties, and the duties on births, burials and marriages, and the salt duties, and touching million lottery tickets; and for enabling her Majesty to dispose of the effects of William Kidd a notorious pirate, to the use of Greenwich hospital; and for appropriating the publick monies granted in this session of parliament; it is enacted, That the exporter or proprietor of salt or rock salt which shall perish or be lost in the manner described in the said act, shall, upon proof made before the justices of the peace at the general quarter-sessions of the peace to be held for the county, city, riding, division or place from whence the same was so exported, of the loss of such salt so shipped or to be shipped, receive from the said sessions a certificate that such proof was made before them; and upon producing the said certificate to the officer of the place where the duty on such salt shall have been paid or secured to be paid, such security shall be discharged, and so much money as was actually paid for the duty of the said salt shall be repaid upon demand by the said officer without fee or reward, provided such proof be made as aforesaid by two credible witnesses within six months after such loss or taking as aforesaid: and whereas the making such proof as aforesaid within the time limited by the said act has, in many cases, been found impracticable, by reason of the shortness of the said time; be it therefore enacted by the authority aforesaid, That the time for making such proof as aforesaid, shall from and after the passing of this act be enlarged to two years; any thing in the said act to the contrary notwithstanding.

Time for making proof of salt lost, in order to obtain a certificate, enlarged to two years.

2 Geo. 2. c. 21. f. 27.

VIII. And whereas by an act made in the twenty third year of his present Majesty's reign, for enforcing the laws against the clandestine importation of soap, candles and starch, into this kingdom, a penalty of fifty pounds is laid upon the master, mate, or other person taking the charge or command of any ship or vessel wherein any candles, soap or starch, shall be brought or imported contrary to the said act; and power is given to the commissioners of excise and justices of the peace before whom any informations for the penalties imposed by the said act shall be heard and determined, to mitigate the same where they shall see cause, so as such mitigation do not reduce the penalty to less than one fourth part thereof, over and above the costs and charges of the officers, as well in making the discovery as in the prosecution of the same: and whereas the masters or other persons having the charge of ships

ſhips or vessels, are liable to the penalty inflicted by the ſaid act for importing candles, ſoap or starch, otherwife than by the ſaid act is prefcribed, although ſuch candles, ſoap or starch, were put on board without the knowledge or privyty of ſuch masters or other persons aforſaid, by the mariners ſerving on board ſuch ſhips or vessels; and it is reasonable that ſuch masters or other persons ſhould be indemnified againſt the penalty to which they are by the ſaid act made liable for the offences committed by the ſaid mariners; be it therefore enacted by the authority aforſaid, That when any information ſhall be brought against the master, mate or other person, having the charge of any ſhip or vessel, for recovery of the penalty inflicted for recovery by the ſaid act for importing candles, ſoap or starch, otherwife than by the ſaid act is prefcribed, it ſhall be lawful for ſuch the recited master, mate or other person, to ſtop and detain the wages of the mariners and men ſerving on board ſuch ſhip or vessel, until the hearing and determination thereof it ſhall appear that ſuch candles, ſoap or starch, were put on board ſuch ſhip or vessel by any of the mariners or men ſerving therein, without the knowledge or privyty of the master, mate or other person, having the charge of ſuch ſhip or vessel, it ſhall be lawful for ſuch master, mate or other person aforſaid, to keep and retain in his hands ſo much of the wages of the mariners and men ſerving on board ſuch ſhip or vessel, who ſhall be found guilty of or privy to ſuch offence, as will be ſufficient to answer and satisfy the penalty inflicted upon ſuch master, mate or other person aforſaid, who ſhall be and is hereby indemnified for ſo doing.

IX. And whereas the provision contained in an act made in the twenty third year of the reign of his preſent Maieſty, for the due and regular payment of the bounties granted upon the exportation of British made ſail cloth has proved ineffectual; be it therefore enacted by The authority aforſaid, That the bounties due ſince the first of June one thousand ſeven hundred and fifty, (being the commencement of the ſaid provision) and which ſhall hereafter be come due on the exportation of British-made ſail cloth, instead of being paid in the manner in the ſaid act directed, ſhall be, and the fame are hereby charged upon, and ſhall be paid out of ſuch parts of the old ſubſidy as are applicable to the payment of incidents.

X. And whereas by two acts of parliament made in the ſixth and twenty second years of the reign of his preſent Maieſty, for the encouragement of the whale fishery carried on by his Maieſty's British ſubjects, a bounty of forty ſhillings per ton, under certain regulations mentioned in the ſaid acts, is to be paid by the receiver general of the customs to the master or owners of ſhips employed in the whale fishery in the Greenland ſeas or Davis's Streights, on their return to this kingdom: and whereas John Hennicker, Henry Bird the elder, Henry Bird the younger, and Conrad Lang of London, merchants, did fit out in the year one thousand ſeven hundred and fifty two, ſour ſhips, called the Merry Jacks, Sword Fit, Revolution and Neptune, for the whale fishery in the Greenland ſeas, in the manner prescribed

Treasury im-  
powered to di-  
rect the boun-  
ties to be paid  
to John Hen-  
nicker, Mess.  
Birds and  
Conrad Lang.

prescribed and appointed by the said acts, and which said ships were actually employed in the said fishery, but were unavoidably lost in the said seas; be it therefore enacted by the authority aforesaid, That the commissioners of his Majesty's treasury for the time being, or any three of them, shall be, and they are hereby impowered to direct, if they think fit, the payment of the bounties which the said John Hennicker, Henry Bird the elder, Henry Bird the younger, and Conrad Lang, would have been intitled to in case the said ships had returned to this kingdom; any thing in the said two several acts contained to the contrary notwithstanding.

**6 Geo. 2. c. 33.** XI. And whereas by two acts of parliament made in the sixth and **22 Geo. 2. c. 45.** twenty-second years of the reign of his present Majesty, for the encouragement of the whale fishery carried on by his British Majesty's subjects, a bounty of forty shillings per ton, under certain regulations mentioned in the said acts, is to be paid by the receiver general of the customs to the master or owners of ships employed in the whale fishery in the Greenland seas or Davis's Straights, on their return to this kingdom: and whereas Philip How, on the behalf of himself and several other persons, did in the year one thousand seven hundred and fifty-two, fit out two ships, called the Argyle and Campletoun, for the said fishery, in the manner required by the said acts; and which said ships were actually employed in the said fishery, and did return to this kingdom with three whales; but by reason of an omission or mistake in making the affidavits, and giving the security required by the said acts, the said owners have not been able to obtain the proper certificates for the payment of the said bounty; be it therefore enacted by the authority aforesaid, That the commissioners of his Majesty's treasury for the time being, or any three of them, shall be, and they are hereby impowered to direct, if they think fit, the payment of the bounties which the said Philip How and others would have been intitled to in case they had complied with all the forms and regulations required by the said acts of parliament; any thing in the said two several acts contained to the contrary notwithstanding.

And also to  
Philip How,  
&c.

### C A P. XXXIII.

*An act for the better preventing of clandestine marriages.*

**W**H E R E A S great mischiefs and inconveniences have arisen from clandestine marriages; for preventing thereof for the future, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That from and after the twenty-fifth day of March in the year of our Lord one thousand seven hundred and fifty four, all banns of matrimony shall be published in an audible manner in the parish church, or in some publick chapel, in which publick chapel banns of matrimony have been usually published, or belonging to such parish or chappel wherein the persons to be married shall dwell, according to the form of words prescribed by the rubrick prefixed to the office of matrimony in the book of common prayer, upon three

Publication of  
banns.

three Sundays preceding the solemnization of marriage, during the time of morning service, or of evening service (if there be no morning service in such church or chapel upon any of those Sundays) immediately after the second lesson: and whensoever it shall happen that the persons to be married shall dwell in divers parishes or chapelries, the banns shall in like manner be published in the church or chapel belonging to such parish or chapelry wherein each of the said persons shall dwell; and where both or either of the persons to be married shall dwell in any extraparochial place, (having no church or chapel wherein banns have been usually published) then the banns shall in like manner be published in the parish church or chapel belonging to some parish or chapelry adjoining to such extraparochial place: and where banns shall be published in any church or chapel belonging to any parish adjoining to such extraparochial place, the parson, vicar, minister or curate, publishing such banns, shall, Minister to in writing under his hand, certify the publication thereof in such sign the pub- manner as if either of the persons to be married dwe't in such location; adjoining parish; and that all other the rules prescribed by the said rubrick concerning the publication of banns, and the <sup>time of</sup> ~~to be so~~ solemnization of matrimony, and not hereby altered, shall be <sup>to be</sup> ~~jeanized~~ in duly observed; and that in all cases where banns shall have been one of the published, the marriage shall be solemnized in one of the parish <sup>churches</sup> ~~churches~~ or chapels where such banns have been published, and where the banns have in no other place whatsoever.

II. Provided always, and it is hereby further enacted, That it is enacted, that no parson, vicar, minister or curate shall be obliged to publish Notice of the the banns of matrimony between any persons whatsoever, unless names, places the persons to be married shall, seven days at the least before of abode and the time required for the first publication of such banns respec- time of resi- tively, deliver or cause to be delivered to such parson, vicar, minister or curate, a notice in writing of their true christian and given to the surnames, and of the house or houses of their respective abodes minister 7 days within such parish, chapelry or extraparochial place as aforesaid, before publi- and of the time during which they have dwelt, inhabited or banns. lodged in such house or houses respectively.

III. Provided always, and be it enacted by the authority a- Minister not foresaid, That no parson, minister, vicar or curate solemnizing punishable for marriages after the twenty fifth day of March one thousand se- solemnizing ven hundred and fifty four, between persons, both or one of marriage after whom shall be under the age of twenty one years, after banns published, where the published, shall be punishable by ecclesiastical censures for so- parents or lemning such marriages without consent of parents or guardians give ans, whose consent is required by law, unless such parson, mi- no notice of nister, vicar or curate shall have notice of the dissent of such pa- parents or guardians; and in case such parents or guardians, or but where one of them, shall openly and publickly declare, or cause to be such dissent declared in the church or chapel where the banns shall be so declared, published, at the time of such publication, his, her or their dis- sent to such marriage, such publication of banns shall be abso- lute void.

IV. And

Licences to be granted to solemnize matrimony in the church or chapel of such parish only, where one of the parties shall have resided for 4 weeks before, &c.

IV. And it is hereby further enacted, That no licence of marriage shall, from and after the said twenty fifth day of *March* in the year one thousand seven hundred and fifty four, be granted by any archbishop, bishop, or other ordinary or person having authority to grant such licences, to solemnize any marriage in any other church or chapel, than in the parish church or publick chapel of or belonging to the parish or chapelry, within which the usual place of abode of one of the persons to be married shall have been for the space of four weeks immediately before the granting of such licence, or where both, or either of the parties to be married shall dwell in any extraparochial place, having no church or chapel wherein banns have been usually published, then in the parish church or chapel belonging to some parish or chapelry adjoining to such extraparochial place, and in no other place whatsoever.

Places which may be deemed extraparochial by this act.

V. Provided always, and be it enacted by the authority aforesaid, That all parishes, where there shall be no parish church or chapel belonging thereto, or none wherein divine service shall be usually celebrated every *Sunday*, may be deemed extraparochial places for the purposes of this act, but not for any other purpose.

Archbishop of Canterbury's right to grant special licences reserved.

VI. Provided always, That nothing herein before contained shall be construed to extend to deprive the archbishop of *Canterbury* and his successors, and his and their proper officers, of the right which hath hitherto been used, in virtue of a certain statute made in the twenty fifth year of the reign of the late King *Henry the eighth*, intituled, *An act concerning Peter Pance and dispensations*; of granting special licences to marry at any convenient time or place.

Surrogate deputed to grant licences, to take an oath of office, and give security.

VII. Provided always, and be it enacted, That from and after the twenty fifth day of *March* in the year one thousand seven hundred and fifty four, no surrogate deputed by any ecclesiastical judge, who hath power to grant licences of marriage, shall grant any such licence before he hath taken an oath before the said judge faithfully to execute his office, according to law, to the best of his knowledge, and hath given security by his bond in the sum of one hundred pounds to the bishop of the diocese, for the due and faithful execution of his said office.

Persons convicted of solemnizing matrimony without banns or licence, or in any other place, &c. except by special licence.

VIII. And whereas many persons do solemnize matrimony in prisons and other places without publication of banns, or licence of marriage first had and obtained; therefore, for the prevention thereof, be it enacted, That if any person shall, from and after the said twenty fifth day of *March* in the year one thousand seven hundred and fifty four, solemnize matrimony in any other place than a church or publick chapel, where banns have been usually published, unless by special licence from the archbishop of *Canterbury*; or shall solemnize matrimony without publication of banns, unless licence of marriage be first had and obtained from some person or persons having authority to grant the same, every person knowingly and wilfully so offending, and being lawfully convicted thereof, shall be deemed and adjudged to be guilty of felony,

lony, and ſhall be transported to ſome of his Maſtety's planta- to be tranſ-  
tions in *America* for the ſpace of fourteen years, according to the Ported,  
Laws in force for tranſportation of felons; and all marriages ſo-  
lempnized from and after the twenty fifth day of *March* in the  
year one thouſand ſeven hundred and fifty four, in any other  
place than a church or ſuch publick chapel, unleſs by ſpecial li-  
cence as aforesaid, or that ſhall be ſolempnized without publica- and the mar-  
tion of banns, or licence of marriage from a perſon or perſons ~~having~~  
~~to grant the ſame, first had and obtained, ſhall null.~~  
be null and void to all intents and purpoſes whatſoever.

IX. Provided, That all prosecutions for ſuch felony ſhall be Prosecution  
commenced within the ſpace of three years after the offence for the ſame  
committed. to be com-  
menced with-

X. Provided always, That after the ſolempnization of any marriage, under a publication of banns, it ſhall not be neceſ- Proof of the  
ſary in ſupport of ſuch marriage, to give any proof of the actual parties dwell-  
ing in the pa-  
dwelling of the parties in the reſpective parishes or chapelries ~~wherein the banns of matrimony were published~~; or where the ~~where mar-~~  
~~marriage is by licence, it ſhall not be neceſſary to give any proof of the parties shall~~  
~~that the uſual place of abode of one of the parties, for the ſpace have been fo-~~  
~~of four weeks as aforesaid, was in the parish or chapelry where lempnized, not~~  
~~the marriage was ſolempnized; nor ſhall any evidence in either of the validity of~~  
~~the ſaid caſes be received to prove the contrary in any ſuit touch- such marriage,~~  
ing the validity of ſuch marriage.

XI. And it is hereby further enacted, That all marriages ſo- Marriages ſo-  
lempnized by licence, after the ſaid twenty fifth day of *March* lempnized by  
one thouſand ſeven hundred and fifty four, where either of the licence with-  
parties, not being a widower or widow, ſhall be under the age out consent of  
of twenty one years, which ſhall be had without the consent of the parents or  
the father of ſuch of the parties, to under age (if then living) guardians,  
first had and obtained, or if dead, of the guardian or guardians of the partic-  
of the perſon of the party to under age, lawfully appointed, or (not being a  
one of them; and in caſe there ſhall be no ſuch guardian or widower or  
guardians, then of the mother (if living and unmarried) or if widow ſhall be under age,  
there ſhall be no mother living and unmarried, then of a guar-  
dian or guardians of the perſon appointed by the court of *Chancery*; ſhall be absolutely null and void to all intents and pur-  
poſes whatſoever.

XII. And whereas it may happen, that the guardian or guardians, Where the  
mother or mothers, of the parties to be married, or one of them, ſo  
under age as aforesaid, may be Non compos mentis, or may be in  
parts beyond the ſeas, or may be induced unreaſonably, and by undue  
motives to abuse the truſt repoſed in him, her or them, by refuſing or  
with-holding his, her or their conſent to a proper marriage; be it  
therefore enacted, That in caſe any ſuch guardian or guardians, Where the  
mother or mothers, or any of them, whose conſent is made ne- guardians or  
ceſſary as aforesaid, ſhall be Non compos mentis, or in parts be- mother ſhall  
yond the ſeas, or ſhall refuſe or with-hold his, her or their con- be non compos  
tentis, or in  
ſent to the marriage of any perſon, it ſhall and may be lawful parts beyond  
for any perſon deſirous of marrying, in any of the before-men- the ſeas, or  
tioned caſes, to apply by petition to the lord chancellor, lord reasonably  
keeper, with-hold

their consent, the parties may apply to the lord chancellor, &c. and being approved by order of the court, shall be effectual.

No suit to be in the ecclesiastical court to compel a marriage in *facie ecclesiae* by reason of any contract.

Church-wardens to provide books in which are to be registered all marriages and banns;

the same to be signed by the minister;

and the books to belong to the parish, and to be kept for publick use.

Marriages to be solemnized in the presence of two

keeper, or the lords commissioners of the great seal of Great Britain for the time being, who is and are hereby impowered to proceed upon such petition, in a summary way; and in case the marriage proposed, shall upon examination appear to be proper, the said lord chancellor, lord keeper, or lords commissioners of the great seal for the time being, shall judicially declare the same to be so by an order of court, and such order shall be deemed and taken to be as good and effectual to all intents and purposes, as if the guardian or guardians, or mother of the person so petitioning, had consented to such marriage.

XIII. And it is hereby further enacted, That in no case whatsoever, shall any suit or proceeding be had in any ecclesiastical court, in order to compel a celebration of any marriage *in facie ecclesiae*, by reason of any contract of matrimony whatsoever, whether *per verba de praesenti*, or *per verba de futuro*, which shall be entered into after the twenty fifth day of March in the year one thousand seven hundred and fifty four; any law or usage to the contrary notwithstanding.

XIV. And for preventing undue entries and abuses in registers of marriages; be it enacted by the authority aforesaid, That on or before the twenty fifth day of March in the year one thousand seven hundred and fifty four, and from time to time afterwards as there shall be occasion, the church-wardens and chapel-wardens of every parish or chapelry shall provide proper books of vellum, or good and durable paper, in which all marriages and banns of marriage respectively, there published or solemnized, shall be registered, and every page thereof shall be marked at the top, with the figure of the number of every such page, beginning at the second leaf with number one; and every leaf or page so numbered, shall be ruled with lines at proper and equal distances from each other, or as near as may be; and all banns and marriages published or celebrated in any church or chapel, or within any such parish or chapelry, shall be respectively entered, registered, printed, or written upon or as near as conveniently may be to such ruled lines, and shall be signed by the parson, vicar, minister or curate, or by some other person in his presence, and by his direction; and such entries shall be made as aforesaid, on or near such lines in successive order, where the paper is not damaged or decayed, by accident or length of time, until a new book shall be thought proper or necessary to be provided for the same purposes, and then the directions aforesaid shall be observed in every such new book; and all books provided as aforesaid, shall be deemed to belong to every such parish or chapelry respectively, and shall be carefully kept and preserved for publick use.

XV. And in order to preserve the evidence of marriages, and to make the proof thereof more certain and easy, and for the direction of ministers in the celebration of marriages and registering thereof, be it enacted, That from and after the twenty fifth day of March in the year one thousand seven hundred and fifty four, all marriages shall be solemnized in the presence of two

or

or more credible witnesses, besides the minister who shall celebrate the same; and that immediately after the celebration of every marriage, an entry thereof shall be made in such register to be registered, as aforesaid; in which entry or register it shall be expressed, That the said marriage was celebrated by banns or licence; and if both or either of the parties married by licence, be under age, with consent of the parents or guardians, as the case parties and shall be; and shall be signed by the minister with his proper addition, and also by the parties married, and attested by such two witnesses; which entry shall be made in the form or to the effect following; that is to say,

A. B. of [the] Parish

Form.

and C. D. of [the] Parish

were married in this [Church] by [Banns] with consent of

[Parents] this

day of

in the year

by me J. J. [Rector  
Vicar  
Curate]

This marriage was solemnized between us A. B. C. D. in the presence of

E. F.  
G. H.

XVI. And be it further enacted by the authority aforesaid, Persons convicted of forging, &c. any such entry in the register, That if any person shall, from and after the twenty fifth day of March in the year one thousand seven hundred and fifty four, making a false entry in the register, or cause to be inserted in the register book of such parish or chapelry as aforesaid, any false entry of any matter or thing relating to any marriage; or falsely make, alter, forge or counterfeit, or cause or procure to be falsely made, altered, forged or counterfeited, or act or assist in falsely making, altering, forging or counterfeiting any such licence of marriage as aforesaid; or utter or publish as true any such false, altered, forged or counterfeited register as aforesaid, or a copy thereof, or any such false, altered, forged or counterfeited licence of marriage, knowing such register or licence of marriage respectively, to be false, altered, forged or counterfeited; or if any person shall, from and after the said twenty fifth day of March wilfully destroy, or cause or procure to be destroyed, any ill intent such register book of marriages, or any part of such register book, register, with

to suffer  
death.

Marriages of  
the royal fa-  
mily,

and of  
quakers and  
Jews, and of  
persons in  
Scotland, or  
beyond the  
seas, ex-  
cepted.

This act to  
be read in all  
parish church-  
es and pub-  
lick chapels.

with intent to avoid any marriage, or to subject any person to any of the penalties of this act; every person so offending, and being thereof lawfully convicted, shall be deemed and adjudged to be guilty of felony, and shall suffer death as a felon, without benefit of clergy.

XVII. Provided always, That this act, or any thing therein contained, shall not extend to the marriages of any of the royal family.

XVIII. Provided likewise, That nothing in this act contained shall extend to that part of Great Britain called Scotland, nor to any marriages amongst the people called Quakers, or amongst the persons professing the Jewish religion, where both the parties to any such marriage shall be of the people called Quakers, or persons professing the Jewish religion respectively, nor to any marriages solemnized beyond the seas.

XIX. And be it further enacted by the authority aforesaid, That this act shall be publickly read in all parish churches and publick chapels, by the parson, vicar, minister or curate of the respective parishes or chapelries, on some Sunday immediately after morning prayer, or immediately after evening prayer, if there shall be no morning service on that day, in each of the months of September, October, November and December, in the year of our Lord one thousand seven hundred and fifty three, and afterwards at the same times, on four several Sundays in each year, (that is to say,) the Sundays next before the twenty fifth day of March, twenty fourth day of June, twenty ninth day of September, and twenty fifth day of December respectively, for two years, to be computed from and immediately after the first day of January in the said year one thousand seven hundred and fifty four.

#### C A P. XXXIV.

*An act to explain, amend and continue several laws more effectually to prevent the spreading of the distemper which now rages amongst the horned cattle in this kingdom; for the more effectual paying the expences of passing vagrants; for obviating doubts that may arise touching the keeping of prisoners, until the prison of the Marshalsea of the court of King's bench, shall be rebuilt or repaired; and for amending so much of the act of the twenty fourth of his present Majesty for regulating the commencement of the year, and for correcting the calendar now in use, as relates to the time of electing publick officers of the city of Chester.*

WHEREAS the contagious distemper amongst the horned cattle still continues to rage in this kingdom: and whereas the several laws made to prevent the spreading of the said distemper (which have been found useful and beneficial) are near expiring; may it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons

mons in this present parliament assembled, and by the authority of the same, That an act made in the nineteenth year of the reign of his present Majesty, intituled, *An act to enable his Majesty to make rules orders and regulations more effectually to prevent the spreading of the distemper which now rages amongst the horned cattle in this Kingdom*, which was to continue in force for the space of eight months, and to the end of the then next session of parliament; and which by an act made in the twentieth year of the reign of his present Majesty was explained, amended and continued, and to be in force with the said last-mentioned act for the space of eight months, from the tenth day of January one thousand seven hundred and forty six, and from thence to the end of the then next session of parliament; and which said acts, by an act made in the twenty first year of the reign of his present Majesty, were further continued until the twenty fourth day of September one thousand seven hundred and forty eight, and from thence to the end of the then next session of parliament; and which by an act made in the twenty second year of the reign of his present Majesty, were further continued until the twenty fourth day of September one thousand seven hundred and forty nine, and from thence to the end of the then next session of parliament; and also several clauses in the said act made in the twenty second year of his present Majesty's reign, for amending, explaining and enforcing the said acts made in the nineteenth and twentieth years of his present Majesty's reign; and for preventing the spreading of the distemper amongst the horned cattle; and for empowering his Majesty to prohibit the killing of cow calves; and which by an act made in the twenty third year of the reign of his present Majesty were further continued until the twenty ninth day of September one thousand seven hundred and fifty, and from thence to the end of the then next session of parliament; and also several clauses in the said act made in the twenty third year of the reign of his present Majesty; and which by an act made in the twenty fourth year of the reign of his present Majesty were further continued until the first day of September one thousand seven hundred and fifty one, and from thence to the end of the then next session of parliament; and also several clauses in the said act made in the twenty fourth year of his present Majesty's reign, for explaining and enforcing the said acts; and which by an act made in the twenty fifth year of the reign of his present Majesty were further continued until the first day of September one thousand seven hundred and fifty two, and from thence to the end of the then next session of parliament; and also several clauses in the said act made in the twenty fifth year of his present Majesty's reign, for explaining and amending the said acts, shall, except so much of an act made in the twenty third year of the reign of his present Majesty, intituled, *An act to continue several laws for preventing the spreading of the distemper which now rages amongst the horned cattle; and for empowering his Majesty to prohibit the killing of cow calves*, as relates to the empowering justices of the peace,

The acts for preventing the spreading of the distemper amongst horned cattle, viz.

<sup>19Geo.2.c.5.</sup>

<sup>20Geo.2.c.4.</sup>

<sup>21Geo.2.c.33.</sup>

<sup>22Geo.2.c.46.</sup>

<sup>23Geo.2.c.23.</sup>

<sup>24Geo.2.c.54.</sup>

<sup>25Geo.2.c.31.</sup>

further con-

tinued.

<sup>except a clause</sup>

<sup>in 23 Geo. 2.</sup>

at their respective general quarter-sessions of the peace, to license any person residing within their respective counties, riding or divisions to buy and sell cattle, be, and the same are hereby further continued until the first day of September one thousand seven hundred and fifty three, and from thence to the end of the then next session of parliament.

to 1 Sept.  
1753, con-  
tinued.

17Geo.2 c.5

II. And whereas by an act made in the seventeenth year of the reign of his present Majesty, intituled, An act to amend and make more effectual the laws relating to rogues, vagabonds and other idle and disorderly persons, and to houses of correction; it is enacted, That all rogues, vagabonds and incorrigible rogues sent by passes from one county, riding, division, corporation or franchise, into any other county, riding, division, corporation or franchise, shall be delivered to the constable or other such officer of the first town, parish or place in the next county, riding, division, corporation or franchise, to be by him conveyed forward in such manner as by the said act is directed; and that the allowances to be made to the constables and other such officers for the conveying of such rogues, vagabonds and incorrigible rogues, shall be paid by the high or chief constables, and that such high or chief constables shall be allowed the same by the treasurer of the respective county, riding, liberty, division, corporation or franchise, on his passing his accounts: and whereas it frequently happens that the high or chief constables have not a sum of money in their hands sufficient to answer the said expences; be it therefore enacted

Vagrants pass-  
ed from one  
county to a-  
nother, how  
to be convey-  
ed.

The expences  
to be paid by  
the treasurer  
of the county,

and to be al-  
lowed in his  
accounts.

by the authority aforesaid, That all rogues, vagabonds and incorrigible rogues sent by passes from one county, riding, division, corporation or franchise, into any other county, riding, division, corporation or franchise, shall be delivered to the constable or other such officer of the first town, parish or place in the next county, riding, division, corporation or franchise, and shall be by such constable or other such officer conveyed forward in the manner by the said act directed and prescribed, and not otherwise; and that it shall and may be lawful for the treasurer of each county, riding, division, corporation or franchise, and he is hereby required to pay to such constable or other officer the charges of conveying such rogues, vagabonds and incorrigible rogues, upon such constable or other officer producing to him the certificate and such other vouchers as are required by the said act to be delivered to such high or chief constables; and the sums so paid shall be allowed by the justices of the peace to such treasurer in his accounts, on his producing the vouchers aforesaid, together with the receipt of the said constable; any thing in the said act contained to the contrary notwithstanding.

III. And whereas the prison of the Marshalsea of the court of King's Bench is in its present condition unsafe for the custody, and dangerous to the health of the prisoners, which inconveniences cannot be remedied, unless the said prison be repaired or rebuilt; and whereas it will be necessary to have some proper and convenient place or places provided for the reception of the prisoners in the mean time, whereupon doubts may arise concerning the legality of the imprison-

ment of ſuch prisoners in ſuch other place or places ; therefore to prevent ſuch doubts, be it enacted and declared by the authority a-foleſt. That until the ſaid paſon ſhall be ſufficiently repaired or rebuilte, it ſhall and may be lawfull to and for the marshal of the *Merſhalſea* of the ſaid court of King's Bench for the time being, to detain and keep the prisoners committed or to be committed to his cuſtody, in ſuch other proper and convenient place or places as ſhall from time to time be approved of for that pur-  
ſe by the ſaid court ; any law or usage to the contrary notwithstanding.

Marshal of the  
King's Bench  
may ſecure the  
prisoners in  
any place ap-  
proved by the  
court until  
the paſon be  
repaired.  
24 Geo.  
c. 23.

IV. And whereas within the city of Cheſter the uſual and accu-  
tomed time of the annual meeting and assembly of the citizens of the ſaid city, for the election of the mayor, ſheriffs, treaſurers, coroners and leavelookers of the ſame city, hath been on the Friday next after the paſt day of Saint Dennis yearly : and whereas by an aſt of parliament made in the twenty fourth year of the reign of his preſent Maſtrey, (intituled, An aſt for regulating the commencement of the year, and for correcting the calendar now in uſe) it was amongſt other things enacted, That all meetings and assemblies of any bodies politick or corporate, either for the election of any officers or members thereof, or for any ſuch officers entering upon the execution of their reſpective offices, or for any other purpoſe whatſoever, which by any law, ſtature, charter, cuſtom or uſage within this kingdom were to be holden and kept on any fixed or certain day of any month, ſhould from and after the ſecond day of September one thouſand ſeven hundred and fifty two, be holden or kept upon, or according to the ſame reſpective nominal days and times wheron or according to which the ſame were at the time of making the ſaid aſt to be holden : and whereas by the ſaid recited aſt it was further enacted, That the holding and keeping of all markets, fairs and marts, whether for the ſale of goods or cattle, or for the hiring of ſervants, or for any other purpoſe, which are either fixed to certain nominal days of the month, or depending upon the beginning or any certain day of any month, and all courts incident or belonging to, or uſually holden or kept with any ſuch fairs or marts fixed to ſuch certain times as afor-ſaid, ſhould not, from the ſaid ſecond day of September one thouſand ſeven hundred and fifty two, be continued upon or according to the no-  
minal days of the month, or the time of the beginning of any month, to be computed according to the new calendar in the ſaid recited aſt mentioned, but that from and after the ſaid ſecond day of September all ſuch markets, fairs and marts as aforſaid, and all courts incident or belonging thereto, ſhould be holden or kept upon, or according to the ſame natural days, upon or according to which the ſame ſhould have been ſo kept or holden, in caſe the ſaid recited aſt had not been made ; that is to ſay, eleven days later than the ſame would have happened, according to the nominal days of the ſaid new ſupputation of time, by which the commencement of each month, and the nominal days thereof, are anticipated or brought forward, by the ſpace of ele-ven days ; any thing in the ſaid recited aſt contained to the contrary thereof in any wife notwithstanding : and whereas before the making of the ſaid recited aſt, one of the annual fairs within the ſaid city,

commonly called Michaelmas fair, was begun to be holden and kept yearly, on the twenty ninth day of September, and continued for several days afterwards, and purfuant to the direclions of the said recited act, the same fair will hereafter begin to be holden and kept on the tenth day of October yearly, whitch is the day next after the feast of Saint Dennis, by which means the Friday next after the said feast will always hereafter happen, during the time of holding and keeping the said fair; and therefore it would be very inconvenient to the citizens of the said city of Chester, if the annual meeting and assembly of the said citizens for the election of the mayor, and other aforesaid other annual officers of the said city, should still be holden on the Friday next after the said feast of Saint Dennis: for preventing whereof, be it enacted by the authority aforesaid,

The annual meeting for the election of mayor, &c. of the city of Chester, to be held on the Friday next after 20 Oct. yearly.

That the annual meeting and assembly of the said citizens for the election of the mayor and other the aforesaid annual officers of the said city of Chester, shall not at any time hereafter be holden on the Friday next after the said feast of Saint Dennis, but the same, and all annual meetings and assemblies for that purpose, shall at all times hereafter be holden in the usual and accustomed manner on the Friday next after the twentieth day of October in every year, and not before; any thing in the said recited act of parliament, or any law, statute, charter, custom, or usage to the contrary thereof in any wise notwithstanding.

## C A P. XXXV.

*An act for confirming an agreement entered into between the company of proprietors of the undertaking for recovering and preserving the navigation of the river Dee, and Sir John Glynne baronet, lord of the manor of Hawarden, and several freeholders and occupiers of lands within the said manor; and for explaining and amending three several acts of parliament of the sixth, fourteenth and seventeenth years of his present Majesty's reign, for recovering and preserving the navigation of the said river Dee.*

6 Geo. 2. c. 30.

WHEREAS by an act of parliament made in the sixth year of his present Majesty's reign, intituled, An act to recover and preserve the navigation of the river Dee in the county palatine of Chester, reciting that the sands, soil and ground, not being grass, commonly called The White Sands, from the city of Chester to the sea, and lying between the county of Chester on the north side, and the county of Flint on the south side, were of great breadth in most places; and that the said river not being navigable, was chiefly owing to the breadth of the said sands, and to the shifting of the channel from one side thereof to the other, as the winds and tides varied; and that the said sand, soil and ground, commonly called The White Sands, were not, nor was likely to be of any advantage or benefit to any person whatsoever, unless the said river was bounded and made navigable by sea walls, banks and fences, which would require a very great expence, as well to erect, as to maintain and repair from time to time, as occasion should require; but that yet nevertheless, if the said

said sands, soil or ground, commonly called The White Sands, were recovered from the sea by sea walls, banks and fences as aforesaid, and the channel thereby confined to one certain course, it would not only effectually make the said river navigable, but that vesting the said White Sands in the undertakers, would be a considerable encouragement to the undertaking thereof: Nathaniel Kinderly in the said act named, his heirs and assigns, and such person or persons as he or they should nominate and appoint, were appointed undertakers of the said navigation, and authorized and empowered at their own cost and charges to make and keep the said river Dee navigable from the sea to a certain point within the liberties of the city of Chester, called Wilcox Point, in such manner that there should be sixteen foot water in every part of the said river, at a moderate spring tide, for ships and vessels to come and go to and from the said city; and as a recompence for the same, certain rates of tonnage were on the terms therein mentioned, granted by the said act to the said Nathaniel Kinderly, his heirs, assigns or nominees; and as a further recompence for the expence which the said undertakers should be at in making the said river navigable, certain lands, marshes and salt grafts, and other lands therein mentioned were, so soon as the said river should be made navigable, vested in the said Nathaniel Kinderly, his heirs, assigns or nominees for ever, to the use of the said Nathaniel Kinderly, his heirs, assigns, or nominees for ever, under the provisoes and conditions in the said acts mentioned: and whereas the said Nathaniel Kinderly, and his assigns or nominees, undertakers of the said navigation, began the said undertaking, and made a new channel for the said river Dee, through the adjacent sands and marshes near ten miles in length; and the said river was in the month of April one thousand seven hundred and thirty seven turned into the said new channel, and hath ever since continued to run through the same; and ever since that time, ships and vessels of considerable burthen have sailed and navigated through the said new channel up to the said point called Wilcox Point, and the said undertakers did, before the twenty first day of March one thousand seven hundred and forty, finish the said undertaking in making the said river navigable, according to the intent and true meaning of the said recited act of the sixth year of his Majesty's reign: and 14 Geo. 2. c. 8. whereas by one other act of parliament made in the fourteenth year of his Majesty's reign, intituled, An act for incorporating the undertakers of the navigation of the river Dee; it was amongst other things enacted, That the several persons therein named proprietors of the undertaking for recovering and preserving the navigation of the said river Dee, and the representatives of such of the subscribers to the indenture or deeds poll therein mentioned as were dead, their several and respective successors, heirs and assigns, should be erected into one company for the purposes aforesaid, and be incorporated by the name of The company of proprietors of the undertaking for recovering and preserving the navigation of the river Dee, and have power to do all such acts as the said Nathaniel Kinderly, his heirs, assigns or nominees might have done, or were empowered to do by virtue of the said act of the sixth year of his present Majesty, and to take and receive all such duties, tonnage dues and

and payments whatsoever, as the said Nathaniel Kinderly, his heirs, assigns or nominees were empowered to do by the said act, and to embank, inclose, improve and apply to the use of the said company, the white sands, soil and ground, and other lands whatsoever by the said act vested in the said Nathaniel Kinderly, his heirs, assigns and nominees, upon the terms and conditions in the said act mentioned, in the same manner as the said Nathaniel Kinderly, his heirs, assigns or nominees might have done, subject to the limitations, conditions and restrictions in the said act mentioned: and whereas the tonnage rates and duties appointed to be paid by the said act of parliament of the sixth year of his present Majesty, being by experience found to be too high, and to be a discouragement to the trade of the said city of Chester, by one other act of parliament made in the seventeenth year of his present Majesty's reign, intituled, An act for explaining and amending an act passed in the sixth year of his present Majesty's reign, intituled, An act to recover and preserve the navigation of the river Dee in the county palatine of Chester, and another act passed in the fourteenth year of his present Majesty's reign, intituled, An act for incorporating the undertakers of the navigation of the river Dee; and for repealing the tonnage rates payable to the said undertakers; and for granting to them other tonnage and keelage rates in lieu thereof; and for other purposes therein mentioned; the said tonnage rates payable to the said undertakers were repealed, and new rates granted and appointed to be paid to them in lieu thereof, and it was by the same act of the seventeenth year of his present Majesty's reign, further provided and enacted, That nothing therein, or in the said acts of the sixth and fourteenth years of his present Majesty's reign, or either of them contained, should extend to be deemed, or construed to extend to hinder or restrain Sir John Glynne baronet, lord of the manor of Hawarden in the county of Flint, his heirs or assigns, or any other of the proprietors of lands, grounds or salt marshes within the said manor of Hawarden, or any other person or persons having or being intitled to right of common thereon, their heirs or assigns, from having, using or enjoying the lands, grounds or salt marshes lying on either side of the banks and forelands of the said new channel made by the said undertakers, which were greenward or grafted over at the time of passing the said act of the sixth year of his Majesty's reign, and not vested in the said Nathaniel Kinderly, his heirs or assigns or nominees, or in the said company of proprietors of the undertaking for recovering and preserving the navigation of the river Dee, by virtue of the aforesaid acts of the sixth and fourteenth years of his present Majesty's reign, or of that act, or from taking all the rents, issues and profit thereof, or from having and enjoying such right of common as aforesaid thereon, and all the rights, liberties and privileges thereto belonging, according to his and their respective estate, right, title or interest therein, in such manner and with the like benefit and advantage, as he or they could, might or ought to have had or done, in case that the said before mentioned acts had never been made, so as such enjoyments, rights, liberties and privileges did not infringe upon, or derogate from the powers given to the said undertakers, for completing

and preserving the said navigation, and recovering from the sea the said white sands by that act, or by the said act of the sixth year of his present Majesty : and whereas since the making the said last-mentioned several doubts and differences have arisen between the said company and the said Sir John Glynne, and several other of the proprietors of lands, and persons intitled to common in the salt marshes within the said manor of Hawarden, touching the extent of the lands, grounds or salt marshes lying on the north side of the said new channel made by the said undertakers, which were greensword or grazed over at the time of passing the said act of the sixth year of his Majesty's reign, and not vested in the said company, and several suits were in or about the year one thousand seven hundred and forty seven commenced, and are still depending between the said parties in relation thereto : and whereas in order to put an end to all disputes that have or otherwise might arise between the said company and the said Sir John Glynne, and the freeholders and other persons intitled to common within the said manor, in relation to the premisses, and to any damages which have been or may be occasioned to all or any part of the lands or marshes within the said manor on the south side of the said new channel, by reason of the said works of navigation, articles of agreement have been lately made and entered into, by and between the said company of proprietors of the undertaking for recovering and preserving the navigation of the river Dee, of the one part, and the said Sir John Glynne of Hawarden in the county of Flint, baronet, lord of the manor of Hawarden, and the several other persons whose hands and seals are thereunto subscribed, freeholders and occupiers of land, within the said manor on behalf of themselves and all other persons having a right of commoning upon the waste lands, commons and salt marshes, within the said manor of the other part, in the words or to the effect following ; that is to say, articles of agreement, &c. and whereas the executing and effecting the said agreement, would be for the mutual benefit of the said company, and of all persons interested in, or intituled unto, the said lands, grounds, or salt marshes within the said manor, or to the right of common therein, and the great expences which would necessarily attend the further prosecution of the suits that have arisen, and are still depending between the parties, will thereby be prevented ; but such agreement cannot be rendered effectual to answer the intention of the parties, without the aid and authority of an act of parliament ; may it therefore please your most excellent majesty that it may be enacted, &c.

The recited articles of agreement confirmed. Right of common to cease when the undertakers shall give notice of their intention of taking possession of the waste lands on the north side of the new channel. Undertakers to pay 200l per annum in consideration thereof, for the benefit of the lord and freeholders of Hawarden. The annual sum of 200l. and 50l charged on the lands of the undertakers ; and which may be distrained on for the same, &c. Undertakers to preserve the navigation of the river on the south side. Expences of preparing the articles, and of passing this act, to be paid out of the annual sum of 200l. No person to ride or drive cattle over the banks, but at the ferries on penalty of 5s. The articles of agreement to be lodged with the clerk of the peace at Chester, and kept amongst the records, and the notice of the undertakers for taking possession of the commons, &c. Undertakers empowered to make a call

call of 20l. per cent. upon their capital, exclusive of the £1. 10s. remaining to be called for. Shares of the defaulters to be stopt, and may be sold after three months. The money called in and paid, to be added to capital stock. Committee to lay before the company a state of the accounts yearly. Act to be expounded in the most beneficial manner for the purposes aforesaid. Roads to be set out.

## C A P. XXXVI.

*An act for erecting several publick buildings in the city of Edinburgh, and to empower the trustees therein mentioned, to purchase lands for that purpose; and also for widening and enlarging the streets of the said city, and certain avenues leading thereunto.*

WHEREAS the city of Edinburgh, the metropolis of that part of the united kingdom called Scotland, is by reason of its situation, and the steepness of the ascent, and by the narrow and confined avenues leading to the principal street thereof, rendered difficult of access, and the publick hath not hitherto been possessed of proper areas, either for erecting buildings, or opening streets and places of resort, as well for the convenience as ornament of the said city: and whereas at present there is no convenient repository sufficient to contain the publick archives, land rights, and other valuable securities, transmitted by the several clerks to the office under the care and keeping of the lord clerk register; and whereas many of the offices of the several clerks of the supreme courts of judicatory, are scattered in different parts of the city, to the great interruption of business: and the writings under their custody are exposed to the danger of fire and other accidents; and whereas there is no publick place or exchange for the resort of merchants or men of busines, nor any town house, hall or borough room, for the annual convention of the boroughs of Scotland, nor council chamber for the magistrates, fit for the daily discharge of publick busines, nor any hall for the clerks of his Majesty's signet, or convenient room for the library belonging to the faculty of advocates; and whereas it will be advantageous not only to the city of Edinburgh, but to that part of the united kingdom called Scotland, and to the publick in general, that a more commodious place be provided for keeping the publick registers of that part of the united kingdom, and a hall built for the clerks to his Majesty's signet, and that offices for the director of the Chancery, the keepers of the records of the great seal, the privy seal and signet, the clerks of session of justiciary and commission for plantation of kirks and valuation of teinds, as also offices for the accommodating the court of Exchequer, the genetal register of seisins, hornings, and inhibitions, and for the clerks of the high court of admiralty, and commissaries of Edinburgh, be provided contiguous to the house commonly called the parliament house, where the courts of session and exchequer do now sit; and also that a proper house be prepared for the advocates library, a large hall or borrow room for the use of the borrows of Scotland, and other publick meetings, with a council chamber for the use of the magistrates; and that an exchange for the merchants and men of busines be also provided near the center of the city, and convenient communications opened to the high street thereof, from the

the north, south and west : and whereas the magistrates and council of the city of Edinburgh have purchased several decayed houses adjacent to the house commonly called the parliament house, where the courts of session and exchequer do now sit, with a view of providing a proper repository for the publick records, and for the advocates library, and proper offices for the director of the Chancery, the keepers of the great seal, privy seal and signet, and clerks aforesaid, and they have also purchased several decayed houses in a publick place most proper for an exchange, and have also purchased several houses in order to make the Passage to the high street of the city, from the fields on the north and south, more commodious : and whereas several noblemen, many of the members of the college of justice, and other gentlemen, and also the most considerable of the incorporations of Edinburgh, sensible of the great benefit that would accrue to the publick, by carrying on the said works, and at the same time being sensible, that the city of Edinburgh is unable out of its proper funds to undertake and accomplish the same, have for carrying on the said design, under the direction herein after-mentioned, agreed to contribute certain sums of money, and they and others may hereafter be induced to subscribe further sums of money for that purpose, but such intended improvements of the city cannot be carried into execution without the authority of parliament ; your Majesty's most dutiful and loyal subjects, the provost, magistrates and council of the city of Edinburgh, in behalf of themselves and the community of the said city, do most humbly beseech your Majesty that it may be enacted ; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That the most noble Archibald duke of Argyle, the most noble James duke of Athole, the most honourable John marquis of Tweeddale, the right honourable James earl of Morton, the right honourable John earl of Hopeton, the right honourable Charles Areskine, lord justice clerk ; the honourable Andrew Fletcher of Milton, one of the senators of the college of justice ; Sir Alexander Dick of Preston Field baronet, James Dewar of Vogrie esquire, master John Forrest of West Grange, the right honourable Robert Dundas, lord president of the court of session ; the honourable Sir Gilbert Elliot of Minto, and the honourable Hugh Dalrymple of Drummore esquire, senators of the college of justice : the right honourable John Idle, lord chief baron of his Majesty's court of Exchequer ; the honourable John Maule esquire, one of the barons of his Majesty's Exchequer ; William Alexander esquire, lord provost of Edinburgh ; and the lord provost of Edinburgh for the time being ; the right honourable William Grant of Preston Grange esquire, his Majesty's advocate for Scotland ; the honourable Henry Home of Kaines esquire, one of the senators of the college of justice ; Robert Craigie of Glen-dock esquire, advocate ; George Drummond esquire, one of his Majesty's commissioners of excise ; David Flint esquire, dean of Gild ; and the dean of Gild of Edinburgh for the time being ; master John Brown, master James Stewart, merchants in Edinburgh ;

Commissioner's names.

burgh ; James Kerr of Boughtriggs esquire, master William Keir, deacon convener of the trades of Edinburgh ; and the deacon convener of Edinburgh for the time being ; master Alexander Sharp, and master Gavin Hamilton, merchants in Edinburgh ; Robert Dundas the younger of Arniston esquire, dean of the faculty of advocates ; Alexander Boswall of Auchinleck esquire, and Gilbert Elliot the younger of Minto esquire, advocates ; master Alexander Mac Millan, deputy keeper of his Majesty's signet ; master Hugh Crawfurd, and master John Mac Kenzie, clerks to

the signet, and their successors, shall be, and they are hereby constituted and appointed commissioners for designating, ordering and causing to be erected, or otherwise provided, in convenient places within the said city, such buildings as they shall judge proper for the keeping and preserving of the publick records, which are under the custody, care and keeping of the lord clerk register ; and for a proper library-house to the faculty of advocates ; a hall for the clerks to the signet ; a town-house, a hall, or borrow-room, for the annual convention of the commissioners of the royal burrows of Scotland, and for the use of the city of Edinburgh, or other publick occasions ; and a council chamber for the use of the magistrates ; as also for building and providing offices for the director of the Chancery, the keepers of the records of the great seal, the privy seal and signet, the clerks of session of justiciary and commission of tiends ; as also offices for accommodating the court of Exchequer ; and offices for the general register of seisins, hornings and inhibitions, and for the clerks of the high court of admiralty and commissaries of Edinburgh ; and for erecting an exchange for merchants, and other people of business to resort to ; and for making easy and commodious access between the high street of the city and the country, northward, southward and westward, to the utmost extent of the present royalty of the said city.

Method of  
chusing com-  
missioners in  
the room of  
such as shall  
die or resign.

II. And be it further enacted by the authority aforesaid, That in case of the death or resignation of any of the ten commissioners herein after named, that is to say, Archibald duke of Argyle, James duke of Athole, John marquis of Tweeddale, James earl of Morton, John earl of Hopeton, Charles Areskine, Andrew Fletcher, Alexander Dick, James Dewar, or John Forrest, such of the said ten commissioners as shall survive or remain, or the major part of them, shall and may from time to time, at some publick meeting to be held for that purpose, elect and nominate a commissioner to supply such vacancy ; and in case of the death or resignation of the said Robert Dundas, Sir Gilbert Elliot, or Hugh Dalrymple, the senators of the college of justice shall and may in like manner elect a commissioner in his stead ; and in case of the death or resignation of the said John Idle, or John Maule, the barons of his Majesty's court of exchequer in Scotland shall and may in like manner elect a commissioner in his stead ; and in case of the death or resignation of the said Robert Dundas, Alexander Boswall, or Gilbert Elliot, the dean and faculty of advocates shall and may in like manner elect a com-

commissioner in his stead ; and in case of the death or resignation of the said *Alexander Mac Millan, Hugh Crawford, or John Mac Kenzie*, the clerks of the signet shall and may in like manner elect a commissioner in his stead ; and in case of the death or resignation of the said *William Alexander, William Grant, Henry Hayne, Robert Craigie, George Drummond, David Flint, John Brown, James Stewart, James Kerr, William Keir, Alexander Sharp, or Gavin Hamilton*, the magistrates and council of the city of Edinburgh shall and may in like manner elect a commissioner in their stead ; and in case of the death or resignation of any of the persons so elected as aforesaid, that then and in every such case, such of the said ten persons as shall survive or remain the said senators of the college of justice, the said barons of exchequer, the said faculty of advocates, the said clerks of the signet, the said magistrates and council of the city of Edinburgh, shall respectively from time to time, as often as any such vacancy shall happen, and in like manner, elect a commissioner in his place or stead.

III. And be it enacted by the authority aforesaid, That the Meeting of commissioners aforesaid, or any seven or more of them, shall meet together at the room called *The laigh Council House* in Edinburgh, the third Monday in June, which shall be in the year of our Lord one thousand seven hundred and fifty three, and shall then and afterwards from time to time adjourn themselves to the same or any other place within the said city of Edinburgh, which the said commissioners, or any seven or more of them, shall think proper or convenient, as often as it shall be necessary for putting this act, or any of the powers therein contained, into execution ; and if it shall happen that there shall not appear at any meeting which shall be appointed to be held by the said commissioners a sufficient number of commissioners to act at such meeting, then and in such case the major part of the commissioners so met (though not a Quorum) shall by publick notice in any of the Edinburgh news papers, to be given at least ten days before the next meeting, appoint the said commissioners to meet at the place where the meeting of the said commissioners was so appointed to be held, within fifteen days at furthest next after the day on which such last meeting of the said commissioners, when there was no Quorum, was appointed to be held ; and the said commissioners shall at all and every their meetings bear and pay their own charges and expences.

IV. And to the intent that an exchange may be erected near the center of the city ; be it enacted by the authority aforesaid, That the said commissioners, or any seven or more of them, shall have full power and authority to agree with the owners and occupiers of such houses and grounds as lie on the north side of the high street, bounded by the entry to the tenement or land commonly called the *Writer's Court* on the west, the stone land immediately below *Allen's Close*, commonly called *Fair-ham's Land* on the east, the high street of the said city on the south, and the lake commonly called the *North Loib*, on the north parts,

parts, being one hundred and fifty feet from east to west on the south boundary fronting the high street, comprehending the whole houses and ground northward from the said south boundary to the *North Loch*, and to purchase the same at such prices as shall be agreed on between the said commissioners, or any seven or more of them, and the said owners and occupiers respectively; and being so purchased, with power to the said commissioners, to order the said houses to be pulled down, and an exchange to be erected in such form and manner as the said commissioners, or any seven or more of them regularly convened, shall appoint and direct.

and for opening a more commodious access to the High Street of the city from the fields on the north;

V. And for the more commodious access to the high street of the said city from the fields on the north, be it enacted by the authority aforesaid, That the said commissioners, or any seven or more of them, shall have full power and authority to agree with the owners and occupiers of such houses and grounds as lie on the north side of the high street of the said city, bounded by the great tenement or land opposite to the *Trone Church* commonly called *Milns Square*, and the lower flesh market on the west, the veinel or passage called *Halkerton's Wynd* on the high street of the said city on the south, and the park or inclosure, commonly called *Lord Forglen's Park*, on the north parts including within the said boundaries the range of houses commonly called *Kincaid's Lands*, the house or tenement commonly called *Howies's Land*, the houses on the side of the *North Loch*, belonging to the heirs of *Charles Robertson*, with some ruinous houses or stables on the west side of *Halkerton Wynd*, belonging to the heirs of *Robert Reid Sadler* in *Edinburgh*; and measuring forty feet from east to west on the south boundary fronting the high street, and widening to the northward to about sixty feet, and to purchase the premises at such prices as shall be agreed on between the said commissioners, or any seven or more of them, and the said owners and occupiers respectively, and to order the said houses so purchased to be pulled down, and the ground or area to be employed in such manner as the said commissioners, or any seven or more of them, shall appoint, for rendering the access to the said city and high street thereof from the north parts more easy and commodious.

and for opening convenient entries from the high street to the south be it enacted by the authority aforesaid, That the

said commissioners, or any seven or more of them, after agreeing with the owners and occupiers in manner herein after mentioned, shall have full power and authority to cause a commodious passage to be made for coaches and wheel carriages from the high street to the cowgate, not exceeding twenty feet in breadth, beginning under the building to be erected on that area where the house commonly called *Elphington's Land* lately stood, near the cross, and comprehending within the said passage, the three buildings belonging to the heirs of *George Marshall* and the heirs of *William Hunter*; as also the houses or buildings in *Bethwick's Close* after mentioned; *videlicet*, the middle and lower ten-

tenements belonging to the heirs of the said *George Marshall*, and several houses betwixt that tenement and the street of the *Dowgate*, comprehending the house belonging to *Alexander Hutton*, the house some time belonging to the heirs of *Cirson* or *Johnston*, and now to the said *Alexander Hutton*, the house belonging to *Robert Bowie*, and the house some time belonging to the heirs of the said *Cirson* or *Johnston*, and now to *John Rattery*; and for that purpose, if it shall be found necessary, to cause the gavel of the house, called *Arthur Reid's Land*, on the east of the said <sup>house</sup> to be taken down and rebuilt; as also to open a street from the head of *Peebles Wynd* on the north, to the head of *Hastie's Close* on the south, not exceeding sixty feet in breadth from east to west; and that the said commissioners, or any seven or more of them, shall have full power and authority to agree with the owners and occupiers of such houses or areas as fall within the limits of the said street and passage, and to purchase the same at such prices as shall be agreed on betwixt the said commissioners, or any seven or more of them, and the said owners and occupiers respectively, and to order the said houses so purchased to be pulled down, the areas to be cleared, and the said street and passage to be laid or paved in such manner as the said commissioners, or any seven or more of them, shall appoint.

VII. And for the more commodious access to the high street of the said city from the west, be it enacted by the authority aforesaid, That the said commissioners, or any seven or more of them, shall have full power and authority to agree with the owners and occupiers of such houses and grounds as stretch from the house and stabling at the foot of the west bow, known by the name of *The Drovers Tryste*, in a straight line eastward, to the top of *Henderson's Stairs*, at the back of the parliament or session house, not exceeding one hundred feet in breadth, and then in a straight line from the top of the said stairs to the high street, at the head of *Bess Wynd*, not exceeding forty feet in breadth, and to purchase the premises at such prices as shall be agreed on between the said commissioners, or any seven or more of them, and the said owners and occupiers respectively, and to order the said houses so purchased to be pulled down, and the ground or area to be employed in such manner as the said commissioners, or any seven or more of them shall appoint, for rendering the access to the high street of the said city, from the west parts, more easy and commodious, and otherwise improving the said city within the <sup>said</sup> boundaries.

and for a  
more commo-  
dious access to  
the High  
Street from  
the west.

VIII. And be it declared by the authority aforesaid, That it Magistrates shall and may be lawful to the magistrates and council of the and council of the city of *Edinburgh*, and their successors, to give, grant, alien the city may and dispose of lands purchased by them, or to such person or persons as they shall nominate and by them appoint in their behalf, all or any such houses, lands or premises, purchased or which may be purchased by the said city, said, or belonging to them, which may be proper or convenient for carrying on the aforesaid works.

IX. And

Commissioners may agree with the proprietors of other houses and grounds.

**IX.** And be it further enacted by the authority aforesaid, That the said commissioners, or any seven or more of them, shall have full power and authority to agree with the owners and occupiers of such other houses and grounds as they shall find necessary for carrying on the said works, and to purchase the same at such prices as shall be agreed on between the said commissioners and the said owners and occupiers respectively, and to order the said houses so purchased to be pulled down, rebuilt or employed, for the purposes aforesaid.

**X.** And whereas it may happen that some person or persons, or bodies politic, corporate or collegiate, or trustees, or others who are seized of or intitled to some houses or ground which may be necessary to be purchased, pulled down, converted or disposed of, for the purposes of this act, may be willing to treat and agree to sell such houses or ground, in order to perfect so useful and necessary a work, but are incapable of granting and conveying the same, by reason of infancy or other disability by taillies or otherwise; be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for all bodies politic, corporate or collegiate, trustees, tutors or curators for infants or minors, ideots or furious persons, or other persons for whom they are trustees, and for all and every other person or persons whatsoever who are or shall be seized, possessed of or interested in any house or houses, or grounds, which the said commissioners shall judge necessary for the purposes aforesaid, whether by titles held in fee-simple or tailliéd, to sell and convey to the said commissioners, or any seven or more of them, or their successors, or to such other person or persons as they shall appoint, all or any such houses and grounds, or any part thereof, for the purposes aforesaid; and that all contracts, agreements, sales or other conveyances that shall be so made, shall be valid to all intents and purposes; any law, statute, usage, or any other matter or thing whatsoever to the contrary thereof notwithstanding: and that all trustees, tutors or curators, corporations, proprietors or incumbrancers, subject to taillies, and all other persons, are and shall be hereby indemnified for what they shall do by virtue of or in pursuance of this act.

Houses, &c. under entail, the price to be settled to the same uses.

**XI.** Provided, That where houses, shops or grounds, under entail, are purchased for the purposes aforesaid, the price of the premisses shall by authority of the court of session be laid out upon land, or other heritable security, and the rights and securities devised and taken to the same series of heirs as are contained in the original title deeds of the subjects under entail, purchased for the uses aforesaid: and if it shall happen that any person or persons, bodies politic, corporate or collegiate, whether the city of Edinburgh, or others, or any persons, proprietors or occupiers of houses or grounds where the exchange is to be built, or the passages to the south, west and north opened, lying within the boundaries described as aforesaid respectively, shall refuse to treat and agree to sell the same as aforesaid, it shall and may be lawful to and for the said commissioners,

Persons refusing to treat with the commissioners, the purchase to be settled by a jury.

missioners, or any seven or more of them, and they are hereby empowered to issue out a warrant or warrants, precept or precepts, directed to the sheriff depute of the county of *Edinburgh*, or his substitute, commanding him, and he is hereby authorized and required to impanel and return a competent number of substantial and disinterested persons, not less than twenty five, nor more than thirty six; and out of such persons so to be summoned and returned, a jury of fifteen persons shall be chosen by the said commissioners, or any seven or more of them; which persons <sup>so</sup> to be summoned and returned, are hereby required to come and appear before the said commissioners, or any seven or more of them, at such times and places as in such warrant or warrants, precept or precepts, shall be directed and appointed; and all parties concerned shall and may have their lawful challenges against any of the said jurymen: and the said commissioners, or any seven or more of them, are hereby authorized, <sup>Witnesses may be summoned on oath.</sup> by warrant or warrants under their hands, from time to time, and examined as occasion shall require, to call before them all and every person or persons whatsoever, who shall be thought proper or necessary to be examined as witnesses before them touching or concerning the premisses, and to send their precept or precepts for all such person or persons, who are hereby required to produce such books, papers, deeds and writings, as the said commissioners shall think necessary for their information in any thing relating to this act; and shall and may administer oaths for the better discovery of the truth of the inquiry by them to be made to any person or persons therein concerned, or to any other person or persons whatsoever; and shall and may likewise authorize the said jury to view the place or places, or matters <sup>Jury to assess the damage and recompence on oath;</sup> in question, as they the said commissioners, or any seven or more of them, shall think fit: and the said jury upon their and record, oaths, to be administered by the said commissioners, or any seven or more of them, which oaths, as also the oaths to such person or persons as shall be called upon to give evidence, or to be examined before the commissioners, or any seven or more of them, they are hereby empowered and required to administer, shall enquire of and assess such damage and recompence as they shall judge fit to be awarded to the owners and occupiers, or any of them, of any such houses or ground, or any part thereof, for their respective estates and interests in the same, as by the said commissioners or any seven or more of them, shall be judged fit to be pulled down or converted to the purposes aforesaid; and the said commissioners or any seven or more of them assembled together, shall and may give judgment for such sum or sums of money so to be assessed by such jury or juries respectively; which said verdict or verdicts, and the judgment, decree or determination thereupon, declared and pronounced by the said commissioners, or any seven or more of them assembled together, and the value or recompence so to be assessed and declared, (notice in writing being first given of their meeting at least twenty days before, declaring the time and place of their meeting,

which shall be  
binding;

the same to  
be in writing,  
and signed by  
the commis-  
sioners;

Jury, &c.  
may be fined  
for neglect of  
duty.

meeting, to any person concerned, or being left at the dwelling-house of such person concerned, or at his or their usual place of abode, or with some tenant or occupier of the lands, grounds or tenements, to be pulled down, converted or affected by this act, in case such party cannot otherwise be found out to be served with such notice) shall be binding and conclusive to all intents and purposes whatsoever against all and every person and persons, bodies politick and corporate, having or claiming any right, title, trust or interest in, to or out of the said house, grounds, tenements, and premisses, to be affected by this act, either in fee or life-rent, or expectancy, as well infants, minors, ideots or furious persons, proprietors by tailly, life-renters, lessees or tenants, his, her and their heirs, successors, executors and administrators; and the said verdicts, judgments, orders, sentences and decrees, and the other proceedings of the said commissioners so to be made, given and pronounced as aforesaid, shall be fairly written on a paper or parchment by the commissioners clerk, and signed by any seven or more of the commissioners present at the making and pronouncing the same, and shall be recorded in the town court books of Edinburgh; and the same, or extracts thereof, shall be deemed and taken as good and effectual evidence and proof in any court of law or equity whatsoever.

XII. And be it enacted by the authority aforesaid, That the said commissioners, or any seven or more of them acting in the premisses, shall have power to impose any reasonable fine or fines, not exceeding five pounds lawful money of Great Britain, on any of the persons who shall be summoned and returned on any such jury or juries, and shall not appear, and who shall refuse to be so sworn on the said jury or juries, or being so sworn, shall not give his or their verdict, or in any other manner wilfully neglect his or their duty in the premisses, contrary to the true intent and meaning of this act; and likewise upon such person or persons summoned as aforesaid to give evidence, and who shall neglect or refuse to appear to give evidence accordingly at such time or times, place or places, as shall be limited or appointed for that purpose as aforesaid, or appearing, shall refuse to be sworn, give evidence, or be examined by or before the said commissioners, or any seven or more of them; and also on such person or persons summoned as aforesaid to produce books, papers, deeds and writings, before the said commissioners, or any seven or more of them, for their information in any thing relating to this act, who shall neglect or refuse to appear before the said commissioners, or appearing, shall refuse to be sworn or produce such books, papers, deeds or writings as aforesaid; and which respective fines to be imposed as aforesaid, shall be levied in a summary way, by diligence issued from the court of session, in the same way that is competent upon decrees of that court; and when levied, shall be paid in to the cashier of the bank of Scotland, or the royal bank of Scotland, and shall be applied by the said commissioners, or any seven or more of them,

to the purpose of this act, and to no other use or purpose whatsoever.

XIII. And it is hereby enacted and declared, That upon payment of such sum or sums of money so to be awarded or adjudged to the party or parties concerned, or legal tenders thereof made to him, her or them respectively, at his, her or their dwelling house, in case such party or parties can be met with, and on refusal of the same, or if he, she or they have no such dwelling-house in Edinburgh, then upon payment thereof into the bank of Scotland, or into the royal bank of Scotland, for the use of the party or parties interested as aforesaid, and to be issued to him, her or them, by order of the said commissioners, or any seven or more of them, and notice of such payment left in writing at the dwelling-house of some tenant and occupier of the premises, it shall then, and not before, or otherwise, be lawful to and for the said commissioners and their successors, and to and for their agents and workmen, to remove, pull down, down the order, convert and dispose of such houses, tenements, buildings, ground and premises, for the purposes of this act, in such manner as the said commissioners, or any seven or more of them, shall see fit and expedient ; and the said commissioners shall be indemnified therein, and quieted in the possession of the premises so to be ordered, converted and disposed of, by virtue and under the authority of this present act ; provided that previous notice shall be given to the tenants and occupiers of such houses so to be pulled down, three calendar months at least before the term of Whitsunday, at which the said tenants or occupiers are to be removed, by affixing a schedule to that effect upon the most patent door of such house or houses, or delivering the same to the principal tenant or occupier of the same ; which schedule shall be ordered and appointed, and so delivered and affixed by order of the said commissioners, or any seven or more of them, and an advertisement thereof shall be inserted in any of the Edinburgh news papers ; and in case any dispute shall arise between the parties claiming, or intituled to different interest in the houses, grounds, tenements and hereditaments, necessary to be purchased, pulled down, converted or disposed of, for the purposes of this act, or in case the title to the same premises shall not appear sufficient and effectual to the satisfaction of the said commissioners, or any seven or more of them, then and in such case after such damage and recompence assessed or awarded by the verdict of a jury, and such decree, judgment and determination of the commissioners thereupon as aforesaid, it shall and may be lawful to and for the said commissioners, or any seven or more of them, to pay or direct the money so to be awarded or adjudged for the purchase of the premises into either of the aforesaid banks, or otherwise, at the request of the person or persons who shall then be in possession of the same, or into the hands of the magistrates and town council of Edinburgh, and their treasurer for the time being, in the terms, and upon the conditions mentioned in an act of the parliament of Scotland,

Upon payment or tender of the sum awarded,

the commissioners may enter and pull down the houses, &c.

Previous notice to be given to the occupiers.

Disputes between the claimants how to be adjusted.

Act in the  
year 1695.

The money  
to be paid  
with interest.

After pay-  
ment, com-  
missioners  
may enter,  
&c.

Commission-  
ers to have  
the admini-  
stration of the  
money sub-  
scribed, and  
to call for the  
same.

made in the year one thousand six hundred and ninety five, intituled, *Act relating to sale and payment of bankrupts estates, but with interest as hereafter mentioned; there to remain until the matters in dispute between the parties interested shall be settled and adjusted, or the title of the premisses cleared up or made out to the satisfaction of the said commissioners, or any seven or more of them; and after the same shall be so settled, adjusted, and made up, the money consigned as aforesaid, shall be paid by the city of Edinburgh or its treasurer, with interest thereof, at the rate of one per centum below the legal interest, or by the said bank, or their cashier, to the order of the said commissioners, or any seven or more of them; and after such payment into either of the said banks, or consignation thereof as aforesaid, it shall then, and not before, or otherways, be lawful for and to the said commissioners and their successors, or any seven or more of them, and for and to their agents and workmen, to remove, pull down, order, convert, and dispose of such houses, tenements, buildings, and premisses, pursuant to and by the authority of, and for the purposes of this act; and the said commissioners shall be indemnified therein, and quieted in the possession thereof, and shall not be answerable or accountable in any court of law or equity, for the money so deposited or applied as aforesaid, any otherways than according to the tenor, purport, and true meaning of this act; and if there shall be no challenge for five years, from and after the consignation of such price, it shall and may be lawful for the said commissioners, or any seven or more of them, to issue their warrant in writing for payment of such price and interest, as shall be due thereon, to the person or persons who were in possession as proprietor or proprietors of such house or houses, at the time the same were pulled down.*

XIV. And be it declared and enacted by the authority aforesaid, That the said commissioners, or any seven or more of them, shall have the sole administration of the money contributed and subscribed for, or that may be contributed or subscribed for, and they are hereby authorized and impowered to call for the same from the subscribers at such time, and by such moieties, as they shall judge proper, with power to them, or any seven or more of them, to employ the same in making purchases for the purposes aforesaid, and to take the rights and conveyances of the purchases so to be made to the said commissioners and their successors in office, or to such person or persons, bodies corporate or collegiate, as the said commissioners, or any seven or more of them shall direct, for carrying the purposes of this act into execution, after deducting the reasonable charges expended, or to be expended in or about, or by reason of passing this act, and for the uses and purposes therein mentioned, and no otherways.

XV. And whereas divers houses, or other hereditaments, lying and situated within the limits and boundaries above described, or some of them, have been, and are insured with and by the corporation called and known by the name of The Edinburgh Friendly Insurance against

against Losses by Fire; and the premiums of insurance for some of them are or may be paid, as the premiums for others of them are, at the time of the demolition thereof in consequence of this present act, may be owing, and the bonds for such premiums are made a real burden on the premisses insured, by virtue of a clause in an act of parliament passed in the first year of his present Majesty's reign, intituled, an act to explain the acts of the third and ninth years of his late Majesty's reign for continuing the duty of two pennies Scots on every pint of ale and beer sold in the city of Edinburgh, in relation to the payment of petty port customs, and for the more effectual securing the payment of such money, as hath been or shall be contributed towards a charitable fund for relief of such as shall suffer by fire in the said city, and the suburbs and liberties thereof: now for the preventing all disputes and questions touching the said premiums, or touching the application and explanation of some of the articles of the said friendly insurance, upon the demolition of any such insured premisses; be it enacted, That in all cases where the premium for insurance of any house, or other subject insured with the said corporation, and which shall be pulled down in consequence of the powers and authorities hereby given, shall have been paid before such demolition, the said premium shall, notwithstanding of such demolition, remain with the said corporation; and no action shall lie in law or equity for repetition thereof, or of any interest arising thereon; and that in all cases where such premium shall be owing at the time of such demolition, the same, and all the interest due thereupon for the time, shall be payable and shall be paid out of the first and readiest of the price assessed or payable for such house, or other hereditament, immediately after the same is settled, before demolishing the hereditament insured, and notwithstanding of any dispute which may arise concerning the title thereunto, or the payment or distribution of the remainder of the said price.

XVI. Provided always, and it is hereby declared, That if the person intitled to any policy of insurance by the said corporation, for any such demolished house or other hereditament, shall choose to insure with the said corporation any house or other hereditament, whether rebuilt on the same foundation with the one demolished, or built elsewhere, then and in such case, the said corporation shall be obliged to allow the premium paid or to be paid as aforesaid, for the demolished house or other hereditament, as and for the premium in terms of their articles of copartnery of the like value, to be insured on such new or other house, or other hereditament; and that the proportional interest in the stock of the said corporation and profits thereof, which was annexed to and would have gone along with the demolished house, or other hereditament, shall be annexed to and go along with the house, or other hereditament, so to be anew insured; any thing to the contrary in the articles of the said corporation notwithstanding.

XVII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners, building

Premium paid  
or due for  
insurance of  
houses, which  
shall be pulled  
down to stand  
good.

If the person  
intitled to the  
policy shall  
choose to in-  
sure any o-  
ther house,  
the corpora-  
tion to allow  
the premium.

and such ground as shall not be necessary to be taken into the streets;

and may assign in what manner the houses shall be erected, and the breadth of the streets.

**Application**  
of the monies arising by sale, &c. of such ground, or of the materials.

Contribu-  
tions, and o-  
ther monies,  
to be paid in-  
to the bank.

Lord clerk register not to be prejudiced.

Buildings erected for the publick of-  
fices to be the property of  
the city.

sioners, or any seven or more of them, and they are hereby required to lett, sell, and dispose of the buildings, to be by them erected at the intended Exchange, or elsewhere, (other than those that are to be rent-free as afore-mentioned) and they are hereby impowered to lett, sell, and dispose of the same to such person or persons as shall be willing to contract, agree for, or purchase the same, in whole or in part, and to apply the price or rents arising from the premisses to the purposes of this act, and not otherwise.

**XVIII.** And whereas by means of the purchases which the commissioners are hereby impowered to make by virtue of this act, they may be possessed of some piece or parcel of ground, over and above what may be necessary for the opening and widening of ways, streets, and passages to and from the high street, and other purposes of this act; be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners, or any seven or more of them, to lett, sell, or dispose of such piece or pieces of ground, either together, or in parcels, as they shall find most advantageous and convenient, to such person or persons as shall be willing to contract, agree for, or purchase the same; and to design, assign, and lay out, in what manner the new houses or structures to be built thereon shall be erected, and of what breadth and extent the streets and passages shall be, and to sell and dispose of the materials of such house or houses, as the said commissioners shall purchase and cause to be pulled down as aforesaid.

**XIX.** Provided always, That the monies arising by the sale or letting of such ground, and selling the materials of the houses to be purchased and pulled down, shall be employed towards the purposes of this act, and to no other use, intent, or purpose whatsoever.

**XX.** And be it further enacted by the authority aforesaid, That the monies to be called for by the said commissioners, or any seven or more of them as aforesaid, from the subscribers and contributors, and all other sums of money arising by sale or otherwise, in consequence of this act, shall be paid into the bank of Scotland, or royal bank of Scotland, to be issued out by order of the said commissioners, or any seven or more of them as aforesaid, for the uses and purposes of this present act.

**XI.** Provided always, That nothing in this act contained, shall extend to abridge or prejudice the power of the lord clerk register in the custody of the records committed to his care.

**XXII.** And be it further enacted by the authority aforesaid, That the buildings to be erected for the keeping the records, under the custody of the lord register, and for the advocates library, and hall to the clerks to the signet, the town-house or room for the meeting of the convention of royal borrows and council chamber, shall be the property of the city of Edinburgh; nevertheless subject to the uses for which the same shall be erected, and rent free; provided that the magistrates and town council of the city of Edinburgh, and their successors in office, shall be and are hereby obliged to uphold in good and sufficient repair,

pair, the ſaid buildings to be erected for the purpoſes afore-  
ſaid.

XXIII. And that no delay may be occaſioned by the ſaid Commissioners or their quorum not meeting, or omitting to make a regular adjournment; be it further enacted by the authority aforesaid, That the ſaid commissioners ſhall and may, and they are hereby required and directed to meet at leaſt four times in every year; *videlicet*, on the third *Mondays* of the months of *June* and *July*, *November* and *February*, with power to adjourn themſelves, from time to time, as they ſhall ſee cause.

XXIV. And be it further enacted by the authority aforesaid, That it ſhall and may be lawful to and for the ſaid commissioners, or any ſeven or more of them, at their first meeting, which ſhall be on the third *Monday* in *June* in the year of our Lord one thouſand ſeven hundred and fifty three, or at any after meeting in virtue of the powers of adjournment in this act contained, to determine and choose which of the purpoſes aforesaid ſhall be first begun and carried into execution, and with power to them and their ſucceſſors in virtue of this act, from time to time, to regulate the order of carrying on the feveral purpoſes mentioned in this act; or ſuch of theſe purpoſes as they ſhall find themſelves in condition to undertake, during the continuance of this act.

XXV. And be it further enacted by the authority aforesaid, That it ſhall and may be lawful for the ſaid commissioners and their ſucceſſors, and they are hereby authorized and required to keep a record of their proceedings, and to cauſe a diſtinct entry to be made of the whole ſums that are or may be contributed towards the purpoſes of this act; and to nominate a clerk and book keeper for that purpose, and allow them for their trouble and expence a yearly ſalary, to be proportioned as the ſaid commissioners ſhall judge proper, not exceeding twenty five pounds, lawful money of Great Britain, for the allowance to both, for themſelves and ſervants employed in writing; and the ſaid commissioners are hereby required before the expiration of this act, to cauſe their books to be ballanced; and in case there ſhall be any ſum or ſums of money, buildings, houses, grounds, or other effects undispoſed of, then and in that caſe the ſaid commissioners are hereby authorized and required to appoint the purpoſes to which the ſame ſhall be applied for the further im-  
provements of the ſaid city, or any other purpoſe in or about the city, they shall think fit; and to make over the ſaid excreſcence and premisses remaining with them, if any then be, to the magiſtrates and council of the city of Edinburgh, for the uſe of the community; and the ſaid magiſtrates and council, and their ſucceſſors in office, are hereby appointed and required to employ and diſpoſe of the premisses and ſums ſo conveyed to them by the commissioners, in the precise manner, and according to the order that the ſame ſhall be appointed by the ſaid commissioners, or any ſeven or more of them, to be expreſſed in

Anno vicesimo sexto GEORGII II. C. 37---44. [1753.]

writing under their hands, which shall be put upon record in the books of council and session, or town court books of Edinburgh, and be deemed, held, and taken by the said magistrates and council, as the rule of their procedure.

**Publick act.** XXVI. And it is hereby declared, That this act is a publick act, and shall be deemed and taken notice of as such, by all judges, justices, and others, in all courts and places, without specially pleading the same.

**Continuance of this act.** XXVII. And be it further enacted by the authority aforesaid, That this act shall continue and be in force until the third *Monday* in *June* in the year of our Lord one thousand seven hundred and fifty five, so far as relates to the purchasing of houses, buildings, and grounds, and no longer; but that this act, as to all other the powers and matters therein contained, shall continue and be in force, until the third *Monday* in *June* in the year of our Lord one thousand seven hundred and seventy four, and from thence to the end of the then next session of parliament, and no longer.

#### C A P. XXXVII.

An act for repairing the road leading from the town of Penrith in the county of Cumberland, by Hutton Hall, over Skelton and Castleoverby Pastures, and Seabram Bridge, to Chalkbeck in the said county; and also the road which branches and separates from the same road upon Castleoverby Pasture aforesaid, and leads from thence through Hesket, otherwise Hesket New Market, to Caldbeck in the said county.

#### C A P. XXXVIII.

An act to enable the parishioners of the parish of Stone, in the county of Stafford, to rebuild the church of the said parish.

#### C A P. XXXIX.

An act for repairing and widening several roads leading from the town of Bewdley, in the county of Worcester, to the several places therein mentioned in the counties of Worcester and Salop respectively.

#### C A P. XL.

An act for repairing the roads from the city of Carlisle to the town of Penrith in the county of Cumberland, and from the said town of Penrith to Emont Bridge, which divides the counties of Cumberland and Westmoreland.

#### C A P. XLI.

An act for continuing and making more effectual three acts of parliament passed in the ninth and twelfth years of the reign of her late majesty Queen Anne, and the fifth year of the reign of his present Majesty, for repairing the highways between Dunstable and Hockliffe in the county of Bedford; and also for repairing the road from the sign of the White Horse to the sign of the King's Arms in Hockliffe aforesaid.

#### C A P. XLII.

An act for repairing and widening the road from the west end of Seend Street, in the county of Wilts, to the Horse and Jockey in the parish of Box, in the said county.

#### C A P. XLIII.

An act for enlarging the church-yard of the parish of Paddington in the county of Middlesex.

#### C A P. XLIV.

An act for laying a duty of two pennies Scots, or one sixth part of a penny Sterling, on every Scots pint of ale and beer which shall be brewed for

753.] Anno vice<sup>mo</sup> sexto GEORGII II. C. 45.—54.

153

for sale, brought into, tapped or sold within the town of Dysart and liberties thereof, and all places adjacent, lying within three hundred yards of the boundaries of the said liberties, for repairing, improving and preserving the harbour of the said town.

#### C A P. XLV.

An act for building a new church within the town of Manchester in the county palatine of Lancaster.

#### C A P. XLVI.

An act for repairing the road from the borough of Leicester, in the county of Leicester, to the town of Ashby de la Zouch in the said county.

#### C A P. XLVII.

An act for repairing and widening several roads leading from the market house in Stourbridge, and other roads therein mentioned, in the counties of Worcester, Stafford, Salop and Warwick respectively.

#### C A P. XLVIII.

An act for enlarging the term and powers granted by an act passed in the twentieth year of the reign of his present Majesty, for repairing the high road leading from the city of Durham, in the county of Durham, to Tyne Bridge in the said county.

#### C A P. XLIX.

An act for repairing the road from the city of Carlisle, in the county of Cumberland, to the market and sea-port town of Workington in the said county.

#### C A P. L.

An act for repairing and widening the roads leading from Redstone Ferry, in the county of Worcester, to the Hundred House; and from thence to Monksbridge in the road to the town of Tenburn, and from the said Hundred Houle to the said town of Tenbury in the said county.

#### C A P. LI.

An act for repairing and widening the roads leading from a place called Basing-stone, near the town of Bagshot in the parish of Windlesham in the county of Surry, through Frimley and Farnham in the same county; and from thence through Bentley, Hollyborn, Alton, Chawton, Kopoly, Bishop's Sutton, New Alresford and Mattingley, otherwise Matterley Lane, to the city of Winchester in the county of Southampton.

#### C A P. LII.

An act for widening and repairing the high road leading from Heron Syke, which divides the counties of Lancaster and Westmoreland, to the town of Kirkby in Kendal; and from the said town of Kirkby in Kendal, through the town of Shapp, to Emont Bridge in the said county of Westmoreland.

#### C A P. LIII.

An act to continue and render more effectual three acts of parliament passed in the eleventh year of the reign of his late majesty King George the First, and in the third and twenty second years of the reign of his present Majesty, for repairing the road from Sherbrooke Hill, near Buxton and Chapel in the Frith in the county of Derby, through the town of Stockport in the county of Chester, to Manchester in the county of Lancaster, and other roads in the said act mentioned; and for repairing the road from the School House in Didsbury, to the Bridge in Wimblow in the county of Chester; and for erecting a bridge over the river Mersey.

#### C A P. LIV.

An act for repairing and widening the road leading from Flimwell Vent in the parish of Ickhurst in the county of Sussex, to the town and port of Hastings in the said county.

C A P.

Anno vicesimo sexto GEORGII II. c. 55.-65. [1753]

### C A P. LV.

An act for enlarging the term and powers granted by an act made in the eleventh year of his present Majesty's reign, intituled, *An act for repairing the road from Shoreditch Church, through Hackney to Stamford Hill, and cross Cambridge Heath, over Bethnal Green, to the turnpike at Mile End in the county of Middlesex.*

### C A P. LVI.

An act for continuing and giving further powers to the trustees for putting in execution two acts of parliament for repairing the roads from the parish of Enfield in the county of Middlesex, to the town of Hertford, and other roads in the said acts mentioned.

### C A P. LVII.

An act for raising a sum of money by a county rate, for purchasing a proper prison for debtors in the county of Devon.

### C A P. LVIII.

An act for building a chapel on the common, in the parish of Portsea in the county of Southampton, and for vesting power in certain trustees for the regulation thereof.

### C A P. LIX.

An act for repairing and widening the road from the west end of the town of Burton upon Trent in the county of Stafford, through the said town, to the south end of the town of Derby in the county of Derby.

### C A P. LX.

An act for repairing and widening the road from the top of White Sheet Hill in the parish of Donhead Saint Andrew in the county of Wilts, through the towns of Shaftesbury, Milborne Port and Sherborne in the counties of Dorset and Somerset, to the Halfway House in the parish of Nether, otherwife Lower Compton in the said county of Dorset, and several other roads near the towns of Shaftesbury and Sherborne aforesaid.

### C A P. LXI.

An act for enlarging the term and powers granted by an act passed in the fourteenth year of the reign of his present Majesty, intituled, *An act for repairing the road leading from Ealand to the town of Leeds in the west riding in the county of York.*

### C A P. LXII.

An act for repairing and widening the roads from Henshalls Smithy upon Cranage Green, through the town of Nether Knutsford, and by the south guide post in Mere and Bucklow Hill, to the town of Altringham in the county palatine of Chester; and from the said guide post to Warrington in the county of Lancaster; and from Bucklow Hill aforesaid to Penny's Lane near Northwich in the said county of Chester.

### C A P. LXIII.

An act for repairing and widening the roads from a certain place in the town of Salford, to the towns of Warrington and Bolton, and through Wardley Lane, to the town of Wigan, and to the stocks in the township of Duxbury, and to a place called the Broad Oak in Worsley in the county palatine of Lancaster.

### C A P. LXIV.

An act for repairing and widening the road from Tadcaster through Newton, Collingham, Harewood, Arthington and Pool, to Otley in the west riding of the county of York.

### C A P. LXV.

An act for enlarging the term and powers granted by two acts of parliament, one passed in the twelfth year of the reign of his late majesty King

King George the First, and the other passed in the nineteenth year of the reign of his present Majesty, for repairing the road from Liverpoole to Prescot, and other roads therein mentioned, in the county palatine of Lancaster ; and also for repairing the road from Prescot through Whiston, Rain-Hill, Bold and Sankey, to the town of Warrington, and also the road from Saint Helen to Ashton in the said county palatine.

#### C A P. LXVI.

An act for repairing and widening the roads leading from Lobcomb Corner in the parish of Winterflow, to Harnham Bridge in the county of Wilts; and from the west corner of Saint Anne's Street in the city of New Sarum, to the parishes of Lansford and Brook; and from thence to Ealing, and from Lansford aforesaid, through Ower and Testwood, to Ealing aforesaid in the county of Southampton.

#### C A P. LXVII.

An act for repairing and widening the roads from the east end of Brough under Stainmore in the county of Westmoreland, by the end of Appleby Bridge, to Emont Bridge in the said county.

#### C A P. LXVIII.

An act for amending, widening and repairing the road leading from Dover to Bartham Downs in the county of Kent.

#### C A P. LXIX.

An act for repairing and widening the road from the Halfway House in the parish of Lower Compton in the county of Dorset, through the towns of Yeovil, Crewkerne and Chard, to the east end of the town of Axminster in the county of Devon, and several other roads, round the said town of Yeovil in the county of Somerset.

#### C A P. LXX.

An act for repairing and widening the road from the Hand and Post in Upton Field in the parish of Burford in the county of Oxford, through the several parishes within mentioned, to a place in the parish of Preston in the county of Gloucester, called Dancy's Fancy.

#### C A P. LXXI.

An act for repairing and widening the roads therein mentioned leading to and from the towns of Shepton Malet and Ivelchester in the county of Somerset.

#### C A P. LXXII. .

An act for continuing and making more effectual two acts of parliament for repairing the roads leading from Ipswich to Cleydon in the county of Suffolk, and other roads in the said acts mentioned ; and for repairing the road from Cleydon aforesaid, to Codenham Beacon in the said county.

#### C A P. LXXIII. .

An act to continue and render more effectual two acts of parliament, one passed in the tenth year of the reign of his late majesty King George the First, and the other passed, in the thirteenth year of the reign of his present Majesty, for repairing the road from Dunchurch, to the bottom of Mereden Hill in the county of Warwick, and for repairing the road from the bottom of Mereden Hill aforesaid, to Stone Bridge in the said county.

#### C A P. LXXIV. .

An act for amending several roads leading from the city of Exeter.

#### C A P. LXXV. .

An act for widening and repairing the high road leading from Northallerton, to the south wall of the church yard of the town of Thirsk, and from the southeast end of the street called Finkell Street in Thirsk aforesaid, to and through the town of Easingwold in the county of York, to a place called Burton Stone, near the city of York ; and also the road from Thirsk aforesaid, to Topcliffe in the north riding of the county of York.

## C A P. LXXVI.

An act for repairing and widening the road leading from Pipers Inn in the parish of Ashcot in the county of Somerset, to and through Glaston otherwise Glastonbury, and Wells, to the direction or white post in the great western road to the city of Bath; and also from Wells to Rush Hill, leading to the city of Bristol.

## C A P. LXXVII.

An act to explain and make more effectual an act passed in the fourteenth year of his present Majesty's reign, *For repairing the roads from Doncaster through Ferry Bridge to the south side of Tadcaster Cross; and also from Ferry Bridge to Wetherby, and from thence to Borough Bridge in the county of York.*

## C A P. LXXVIII.

An act to widen and repair the road from the guide post near the end of Drayton Lane near Banbury in the county of Oxford, to the house called the Sun Rising at the top of Edge Hill in the county of Warwick.

## C A P. LXXIX.

An act for laying a duty of two pennies Scots, or a sixth part of a penny sterling, upon every Scots pint of ale and beer which shall be brewed for sale, brought into, tapped or sold within the town and parish of Preston Pans in the shire of East Lothian, otherwise Haddington, for repairing the harbour of the said town; and for other purposes therein mentioned.

## C A P. LXXX.

An act to continue and render more effectual several acts of parliament for repairing the highways leading to Highgate Gatehouse and Hampstead, and other roads in the said acts mentioned, in the county of Middlesex.

## C A P. LXXXI.

An act for repairing the roads from Livingstoun by the kirk of Shotts to the city of Glasgow, and by the town of Hamilton to the town of Strathaven.

## C A P. LXXXII.

An act for repairing the road from the turnpike road at Buckton Burn in the county of Durham through Berwick upon Tweed, to Lamerton Hill, and also the several other roads therein mentioned, lying in the said county and within the liberties of the said town of Berwick.

## C A P. LXXXIII.

An act for repairing and widening the roads from Kighly to Wakefield and Halifax, and from Dudley Hill to Killinghall, and the south west corner of Harrowgate inclosures, and more effectually to repair the roads from Leeds to Halifax and Bowling Lane and Little Horton Lane, and for building a bridge over the river Wharf at Poole in the west riding of the county of York.

## C A P. LXXXIV.

An act for repairing and widening the roads from Spann Smithy in the township of Elton, through the town of Middlewich, and by Spittle Hill in Stanthorne, to Winsford Bridge; and from Spittle Hill to the town of Northwich in the county palatine of Chester.

## C A P. LXXXV.

An act for repairing the road from Ashby de la Zouch in the county of Leicester, through Burton upon Trent in the county of Stafford, and to the Cock Inn in Tutbury in the said county.

## C A P. LXXXVI.

An act for repairing, amending and widening the road from Keighley in the

[753.] Anno vicisimo sexto GEORGII II. C. 87.—95.  
the west riding in the county of York, to Kirkby in Kendal in the country of Westmorland.

157

#### C A P. LXXXVII.

An act for repairing and widening the road from the stone's end near Shoreditch church, to the centre of the bridge in Old Street road, and through Old Street in the parish of Saint Luke, Middlesex, to the west end of the said street next the pavement in Goswell Street,

#### C A P. LXXXVIII.

An act for repairing the road leading from Oundle in the county of Northampton, to Alconbury cum Weston in the county of Huntingdon, from Barnwell in the said county of Northampton, to Alconbury cum Weston aforesaid, and from the Mile Brook in Hamerton, to Wood Lane end next the parish of Great Gidding in the said county of Huntingdon.

#### C A P. LXXXIX.

An act for explaining, amending and making more effectual two acts of parliament, the one passed in the twentieth year of his present Majesty's reign, intituled, *An act for repairing the high road leading from the town of Stockton upon Tees in the county of Durham, to Darlington, and from thence through Winstone to Bernard Castle in the said county;* and the other passed in the twenty second year of his said Majesty's reign, intituled, *An act for enlarging the term and powers granted by the said first mentioned act, and for the effectual amending of the said road.*

#### C A P. XC.

An act for repairing the several roads leading into the city of Glasgow.

#### C A P. XCI.

An act for repairing the road from North Queen's Ferry, through the towns of Inverkeithing and Kinross, to the town of Perth; and also the road from the said Queen's Ferry, to the towns of Dumfermline, Torryburn and Culross; and also the road from the said Queen's Ferry, through Inverkeithing, to Bruntisland and Kirkaldie.

#### C A P. XCII.

An act for repairing, amending and widening the several roads leading from the Red Post in the parish of Fivehead, through the towns of Langport and Somerton, to Butwell; and also from Curry Rivell to Puckington Lane, and from Cary Bridge to Street Cross in the county of Somerset.

#### C A P. XCIII.

An act for repairing and widening the several roads in the county of Peebles leading from Tweed Cross towards the city of Edinburgh by Blyth Bridge, La Mancha and Wheam, and by Linton and Carlops, and from Ingleston through Carlops, until all the said roads join the limits of the county of Edinburgh.

#### C A P. XCIV.

An act to enable the owners of houses and lands in the parish of Saint Botolph without Aldergate, and the inhabitants thereof, to repair the church and steeple belonging to the said parish.

#### C A P. XCV.

An act to explain and amend an act passed in the twentieth year of his present Majesty's reign, intituled, *An act for repairing the road leading from Catterick Bridge in the county of York, to Yarm in the said county; and from thence to Stockton in the county of Durham; and from thence through Sedgefield in the said county of Durham, to the city of Durham.*

C A P.

## C A P. XCVI.

An act for laying a duty of two pennies Scots, or one sixth part of a penny sterling, on every Scots pint of ale and beer which shall be brewed for sale, brought into, tapped or sold within the town of Paisley and liberties thereof, in the county of Renfrew, for improving the navigation of the river cart, and for other purpoſes.

## C A P. XCVII.

An act for the better relief and employment of the poor in the parish of Saint George, Hanover Square, within the liberty of the city of Westminſter, and for cleansing the ſtreets and repairing the highways within the ſaid parish.

## C A P. XCVIII.

An act more effectually to enable the paroſhioners of the parish of Christ Church in the county of Middleſex to purchase, hire or erect a workhouse for the employing and maintaining the poor of the ſaid parish, and for the more effectual ſupport and employment of the poor therein.

## C A P. XCIX.

An act for the better relief and employment of the poor, and for enlightening the ſtreets, paſſages and open places within the city of Chicheſter and ſeveral places adjoining thereto, and the cloſe within the ſaid city.

## C A P. C.

An act for the better relief and employment of the poor in the parish of East Greenwich in the county of Kent, and for repairing the highways and cleansing the ſtreets thereof.

## C A P. CI.

An act to enable James Mallors to open a ſtreet from the weſt ſide of King's Street in the parish of Saint Margaret in the city of Westminſter, to the back part of the houses, gardens and yards on the weſt ſide of Delahay Street in the ſame parish, and for other purpoſes therein mentioned.

*Anno Regni GEORGII II. Regis Magnæ  
Britanniae, Franciæ, & Hiberniæ, vice-  
ſimo ſeptimo.*

**A**T the parliament begun and holden at Westminſter, the tenth day of November, Anno Dom. 1747, in the twenty first year of the reign of our ſovereign lord George the Second, by the grace of God, of Great Britain, France, and Ireland, King, defender of the faith, &c. And from thence continued by several prorogations to the fifteenth day of November, 1753, being the ſeventh ſeffion of this present parliament.

## C A P. I.

*An act to repeal an act of the twenty sixth year of his Ma-  
jefty's reign, intituled, An act to permit persons pro-  
feſſing the Jewiſh religion to be naturalized by parlia-  
ment; and for other purpoſes therein mentioned.*

26 Geo. 2. c. 26. **W**HEREAS an act of parliament was made and paſſed in the twenty sixth year of his Maſteſty's reign, intituled, An act to

to permit persons professing the Jewish religion to be naturalized by parliament ; and for other purposes therein mentioned : and whereas occasion has been taken from the ſaid act to raiſe diſcontents, and to diſquiet the minds of many of his Maſtys ſubjeſts : be it enacted by the King's moſt excellent maſtety, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent parliament aſſembled, and by the authority of the fame, That the above mentioned act, and the ſeveral matters and things therein contained, ſhall be, and is hereby repealed. The recited matter and things therein contained, ſhall be, and is and are aſt repealed.

## C A P. II.

An act for continuing and granting to his Maſtety certain duties upon malt, murn, cyder, and perry, for the ſervice of the year one thouſand even hundred and fifty four. E X P.

## C A P. III.

An act for the better ſecuring to conſtables and others the ex- pences of conveying offendere to gaol; and for allowing the charges of poor perſons bound to give evidence againſt felons.

W H E R E A S by an aſt paſſed in the third year of the reign of 3 Jac. I. c. 10. King James the First, intituled, An aſt for the rating and levying of the charges for conveying malefactors and offendere to the gaol; every offendere ſo to be conveied ſhall bear the charges of himſelf, and of thoſe who convey him; and if he refufe ſo to do, his goods within the fame county may be diſtraineſ and ſold to ſatisfy the fame; and if he hath no goods, the conſtable, churchwardens and other inhabitants of the parish where he was taken, ſhall make a tax on every inhabitant thereof to pay the ſaid charges: and whereas the taxing the parish where ſuch offendere was taken to pay ſuch charges, is a great diſcouragement to parishes to take offendere; and it is alſo found by expeience to be very diſſicult to make a rate on the inhabitants to raise ſuch tax, wherby conſtables and others are often kept out of their money by them advanced for the ſervice of the publick, and ſometimes loſe the fame, to their very great injury and vexation: for remedy whereof be it enacted by the King's moſt excellent maſtety, by and with the advice and conſent of the lords ſpiritual and temporal and commons in this preſent parliament aſſembled, and by the authority of the fame, That from and after the twenty fourth day of June one thouſand even hundred and fifty four, when any perſon, not having goods or money within the county where he is taken, ſufficient to bear the charges of himſelf, and of thoſe who convey him, is committed to gaol or the house of correction by warrant from any justice or justices of the peace, then, on application by any conſtable or other officer who conveyed him, to any justice of the peace for the fame county or place, ſhall upon oath examine into and aſcertain the reaſonable expences to be allowed ſuch conſtable or other officer, and ſhall forthwith, without fee or reward, by warrant under his hand grant a warrant on the and ſeal, order the treasurer of the county or place to pay the treasurer of fame,

Offenders not having ſufficient to defray the expences of conveying them to gaol, &c.

the county  
for payment  
of the charges

Part of the  
act of 3 Jac. 1.  
c. 10. relating  
to taxing  
parishes for  
conveying of  
offenders to  
gaol, repeal-  
ed.

The charges  
of attendance  
to be allowed  
by the court  
to poor per-  
sons bound to  
give evidence  
against felons.

6 d to be paid  
to the officer  
for making  
out the order.

In Middlesex  
the overseers  
of the poor of  
the parish  
where the of-  
fender was  
taken, to pay  
all such  
charges.

same, which the said treasurer is hereby required to do, as soon as he receives such warrant; and any sum so paid shall be allowed in his accounts.

II. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of June so much of the above mentioned act passed in the third year of King James the First, as relates to taxing the parish where offenders are taken, for defraying the charges of conveying offenders to gaol, shall be repealed.

III. And whereas the expence as well as loss of time in attending courts of justice, is a discouragement to the poorer sort to appear as witnesses against offenders, who thereby escape the publick justice, and the punishment due to their crimes; be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of June, when any poor person shall appear on recognizance in any court to give evidence against another accused of any grand or petit larceny, or other felony, it shall and may be in the power of the court, at the prayer and on the oath of such person, and on consideration of his circumstances, in open court to order the treasurer of the county or place in which the offence shall have been committed, to pay unto such person such sum of money, as to the said court shall seem reasonable for his time, trouble and expence; which order the proper officer of such court is hereby directed and required to make out, and to deliver unto such person, upon being paid for the same the sum of six pence, and no more; and such treasurer is hereby authorized and required, upon delivery of such order, forthwith to pay to such person, or other person authorized to receive the same, such sum of money as aforesaid, and shall be allowed the same in his accounts.

IV. Provided always, and it is hereby declared and enacted by the authority aforesaid, That nothing in this act contained shall extend to empower such court, or any justice or justices of the peace, to make warrants or orders on the treasurer of the county of Middlesex for the payment of the expences of the constable or other officer in conveying any person to gaol, or for the payment of any person for his time, trouble and expence, who shall appear on his recognizance to give evidence as aforesaid; but that within the said county of Middlesex the expences of the constable or other officer, occasioned by his conveying of any person to gaol by virtue of a warrant from any justice or justices of the peace, shall (after such expences have been examined into upon oath, and allowed by such justice or justices, and for which no fee or reward shall be taken) be paid by the overseer or overseers of the poor of the parish or place where the said person was apprehended, who is and are hereby authorized and required to pay the same; and the sum or sums so paid shall be allowed in his or their accounts.

## C A P. IV.

An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and fifty four. E X P. At 2 s. in the pound.

## C A P. V.

An act for punishing mutiny and desertion; and for the better payment of the army and their quarters. E X P.

## C A P. VI.

*An act to repeal a proviso in an act made in the twentieth year of his present Majesty's reign, intituled, An act for the better adjusting and more easy recovery of the wages of certain servants, and for the better regulation of such servants, and of certain apprentices, which provides that the said act shall not extend to the stannaries in Devon and Cornwall.*

WHEREAS by an act made in the twentieth year of his present Majesty's reign, intituled, An act for the better adjusting and more easy recovery of the wages of certain servants, and for the better regulation of such servants and of certain apprentices, divers provisions and regulations are made and enacted for the more easy recovery of the wages of servants in husbandry, artificers, handicraftsmen, miners, colliers, keelmen, pitmen, glassmen, potters and other labourers, and for determining differences and disputes between masters and mistresses, and such servants and other labourers and persons aforesaid, which provisions have been found very useful and beneficial; but it being provided by the said act that nothing therein contained shall extend to the stannaries in the counties of Devon and Cornwall, the tanners and miners employed in the said stannaries are frequently subjected to great difficulties and hardships, and put to great expences in recovering their wages: and whereas it would be for the ease and benefit of the said tanners and miners, if the said provisions and regulations were extended to the said stannaries; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That the proviso in the said act made in the twentieth year of his present Majesty's reign (that nothing clause repealed in the said act contained shall extend to the stannaries in the ed. counties of Devon and Cornwall) shall from and after the first day of May one thousand seven hundred and fifty four be, and the same is hereby repealed.

II. And be it further enacted and declared by the authority aforesaid, That from and after the said first day of May all the provisions and regulations in the said act mentioned and contained, relating to servants, to servants in husbandry, handicraftsmen, miners, colliers, keelmen, pitmen, glassmen, potters and other labourers, shall extend to such tanners and miners as are or shall be employed in the stannaries in the counties of Devon and Cornwall respectively,

as fully and effectually to all intents and purposes, as if the said provisions and regulations were herein particularly repeated and set forth; any law, statute, usage, privilege or jurisdiction whatsoever to the contrary in any wise notwithstanding.

The stannary  
courts may be  
applied to.

III. Provided nevertheless, That nothing in this act contained shall be construed to hinder or restrain any person from applying to the stannary courts, or to the warden, vice-warden or stewards of the stannaries, in relation to any of the matters herein before mentioned, in the same manner as such person might have done before the making of this act.

### C A P. VII.

#### *An act for the more effectual preventing of frauds and abuses committed by persons employed in the manufacture of clocks and watches.*

Penalty on  
conviction of  
frauds com-  
mitted by per-  
sons employed  
in the manu-  
facture of  
clocks and  
watches.

WHEREAS many persons employed in the making of clocks and watches have of late been guilty of divers frauds and abuses by purloining, imbeziling, secreting, selling, pawning, or otherwise unlawfully disposing of the clocks and watches, or such parts thereof, or the materials for making the same, with which they have been intrusted, to the great loss of their employers; and the laws in being have been found insufficient to prevent such frauds and abuses, and to punish the offender; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That if any person or persons whatsoever, who shall be hired or employed by any person or persons practising the trade or trades of clock-making or watch-making, or any part or branch, or parts or branches of such trade or trades, to make, finish, alter, repair or clean any clock or clocks, watch or watches, or any part or parts of a clock or clocks, watch or watches, or be intrusted by any person or persons practising the said trade or trades, with any gold, silver or other metal or material to be, or that shall be, in the whole or in part wrought or manufactured for any part or parts of a clock or clocks, watch or watches, or any diamond or other precious stone to be, or that shall be set or fixed in or about any clock or clocks, watch or watches, shall after the first day of May one thousand seven hundred and fifty four, purloin, imbezil, secrete, sell, pawn, exchange, or otherwise unlawfully dispose of any clock or watch, or any part or parts of any clock or watch, or any gold, silver or other metal or material, or any part thereof, or any diamond or other precious stone, with which such person or persons shall be intrusted by any person or persons practising the said trade or trades, or any part or branch, or parts or branches of such trade or trades, and shall be thereof convicted by the oath of the owner of such goods, or by the oath of any other credible witness or witnesses, or by the confession of the person or persons charged with such offence, before any one or more justice or justices of the peace

of the county, riding, division, city, liberty, town or place, where such offence shall be committed, or where the person or persons so charged shall reside or inhabit (which oath the said justice or justices is and are hereby empowered and required to administer) every such offender shall for the first offence forfeit twenty pounds ; and in case the said forfeiture shall not be forthwith paid, the justice or justices before whom such conviction shall be had, shall commit the party or parties so convicted to the house of correction or other publick prison of such county, riding, division, city, liberty, town or place, there to be kept to hard labour for the space of fourteen days, unless such forfeiture shall be sooner paid ; and if within two days before the expiration of such fourteen days, such forfeiture shall not be paid, the said justice or justices is and are hereby empowered to order the person or persons so convicted to be publickly whipped at the market place, or some other publick place of the city, town or place, where such offender or offenders shall be respectively committed ; and in case of a further conviction in manner before prescribed by this act, for or upon a second or other subsequent offence of the same kind, the person or persons so again offending, being thereof convicted in manner aforesaid, shall for every second or other subsequent offence forfeit forty pounds ; and in case the said forfeiture shall not be forthwith paid, the justice or justices before whom such conviction shall be had, shall commit the person or persons so again offending to the house of correction or other publick prison as aforesaid, there to be kept to hard labour for any time not exceeding three months, nor less than one month, unless the said forfeiture shall be sooner paid, and if within seven days before the expiration of the time for which such offender or offenders shall be committed, the said forfeiture shall not be paid, the said justice or justices is and are hereby empowered to order the person or persons so again offending to be publickly whipped at the market place, or some other publick place of the city, town or place, where such offender or offenders shall be respectively committed, twice or oftner, as to such justice or justices shall appear reasonable.

II. And be it further enacted by the authority aforesaid, That Penalty of if any person or persons shall buy, receive, accept or take by buying, &c<sup>any of the</sup> way of gift, pawn, pledge, sale or exchange, or in any other manner whatsoever, of or from any person or persons whomsoever, any clock or watch, or any part or parts of a clock or watch, or any gold, silver or other metal or material as aforesaid, whether the same, or any part thereof, be or be not wrought or manufactured, or any diamond, or other precious stone, which shall have been intrusted with any person or persons hired or employed as aforesaid, by any person or persons practising the said trade or trades, he, she or they, so buying, receiving, accepting or taking, any such goods, materials or effects, knowing the same to be so purloined or imbezilled, being thereof lawfully convicted in manner before prescribed,

**First offence.**

for the conviction of persons purloining or imbezilling the said goods, materials or effects, shall, for the first offence, forfeit twenty pounds; and in case the said forfeiture shall not be forthwith paid, the justice or justices, before whom such conviction shall be had, shall commit the party or parties so convicted, to the house of correction or other publick prison as aforesaid, there to be kept to hard labour, for the space of fourteen days, unless the said forfeiture shall be sooner paid; and if within two days before the expiration of the said fourteen days, the said forfeiture shall not be paid, the said justice or justices is and are hereby impowered and required, to order the person or persons so convicted, to be publickly whipped at the market place, or some other publick place of the city, town, or place, where such offender or offenders shall be respectively committed, once or oftner, as to such justice or justices shall appear reasonable; and in case of a further conviction for or upon a second or any other subsequent offence of the same kind, the person or persons so again offending, being thereof convicted in manner before prescribed, shall, for every second or other subsequent offence forfeit forty pounds; and in case the said forfeiture shall not be forthwith paid, the justice or justices, before whom such conviction shall be had, shall commit the party or parties so convicted to the house of correction, or other publick prison as aforesaid, there to be kept to hard labour for any time not exceeding three months, nor less than one month, unless the said forfeiture shall be sooner paid; and if within seven days before the expiration of the time for which such offender or offenders shall be so committed, the said forfeiture shall not be paid, the said justice or justices is and are hereby impowered and required to order such offender or offenders to be publickly whipped at the market place, or some other publick place of the city, town or place where such offender or offenders shall be respectively committed, twice or oftner, as to such justice or justices shall appear reasonable;

**Subsequent offence.**

and the said respective forfeitures, when recovered, after satisfaction shall have been made thereout to the party or parties injured, together with such costs of prosecution as shall be judged reasonable by the justice or justices before whom such conviction shall have been had, shall be paid and applied to and for the use of the poor of the parish or place where the person or persons so convicted shall reside or inhabit.

**Application of the forfeitures.****Appeal to the quarter ses. boxes.**

III. Provided always, and it is hereby enacted, That if any person convicted as aforesaid, of purloining, embezilling, secreting, selling, pawning, exchanging, or otherwise unlawfully disposing of, or of buying, receiving, or taking to pawn any of the goods, materials or effects, herein before-mentioned, shall think himself or herself aggrieved by the judgment of the justice or justices before whom he or she shall have been convicted, such person shall have liberty to appeal to the justices at the next general or quarter sessions of the peace, which shall be held for the county, riding, division, city, liberty, town or place, where such judgment shall have been given; and that the execution

cution of the said judgment shall in such case be suspended, the person so convicted entering into a recognizance at the time of Recognition such conviction, with two sufficient sureties, in double the sum with sureties. which such person shall have been adjudged to forfeit, upon condition to prosecute such appeal with effect, and to be forth coming to abide the judgment and determination of the justices in the said general or quarter sessions; which recognizance the said justice or justices before whom such conviction shall be had is and are hereby empowered and required to take; and the justices in the said general or quarter sessions are hereby authorized and required to hear and finally determine the matter of <sup>Justices to hear</sup> the said appeal, and to award such costs as to them shall appear <sup>and deter-</sup>  
<sup>minc.</sup> just and reasonable, to be paid by either party; and if upon the hearing of the said appeal, the judgment of the justice or justices before whom the appellant shall have been convicted shall be affirmed, such appellant shall immediately pay the sum which he or she shall have been adjudged to forfeit, together with such <sup>and to award</sup> costs as the justices in the said general or quarter sessions shall award to be paid by him or them for defraying the expences sustained by the defendant or defendants in such appeal; or in default of making such payments, shall suffer the respective pains and penalties by this act inflicted upon persons respectively who shall neglect to pay, or shall not pay the respective forfeitures by this act imposed upon such persons respectively, who shall be convicted of purloining, embezilling, secreting, selling, pawning, exchanging, or otherwise unlawfully disposing of any of the goods, materials or effects herein before-mentioned, or of persons buying, receiving or taking to pawn any of such goods, materials or effects.

IV. And be it further enacted by the authority aforesaid, That Form of the the justice or justices of the peace before whom any person shall conviction, be convicted, in manner prescribed by this act, of purloining, embezilling, secreting, selling, pawning, exchanging, or otherwise unlawfully disposing of, or of buying, receiving or taking to pawn any of the goods, materials or effects aforesaid, shall cause such respective conviction to be drawn up in the form and words following; that is to say,

Middlesex, { BE it remembered, That on the <sup>da'</sup>  
to wit. { B of in the  
year of his Majesty's reign, A. B. was convicted before me (or us) <sup>of his Majesty's justices of the peace for the said</sup>  
county of or for the riding (or division)  
of the said county of or for the city, liberty or town  
of in the said county of (as the case  
shall be) of purloining, embezilling, secreting, selling, pawning, ex-  
changing, or unlawfully disposing of, or of buying, receiving or tak-  
ing to pawn (as the case shall happen to be) (specifying  
the respective goods, materials or effects) the property of C. D. of  
in the county of

Given under my hand and seal (or our hands and seals)  
the day and year aforesaid.

not to be removed by Certiorari, and to be transmitted to the next quarter sessions, &c.

Which said form and conviction shall not be liable to be removed by *Certiorari* into his Majesty's court of King's Bench; and the said justice or justices before whom such conviction shall be had, shall cause the same, drawn up in the form aforesaid, to be fairly written upon parchment, and transmitted to the next general or quarter sessions of the peace, to be held for the county, riding, division, city, town or liberty wherein such conviction was had, to be filed and kept amongst the records of the said general or quarter sessions; and in case any person or persons so convicted shall appeal from the judgment of the said justice or justices to the said general or quarter sessions, the justices in such general or quarter sessions are hereby required upon receiving the said conviction, drawn up in the form aforesaid, to proceed to the hearing and determination of the matter of the said appeal, according to the directions of this act; any law or usage to the contrary notwithstanding.

Justice upon complaint on oath, to issue his warrant for apprehending any offender,

V. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any one justice of the peace of any county, riding, division, city, liberty, town or place, and he is hereby required, upon complaint to him made upon oath of any offence committed against this act within the same county, riding, division, city, liberty, town or place, to issue his warrant for apprehending and bringing before him, or before any other justice or justices of the peace of the same county, riding, division, city, liberty, town or place, the person or persons charged with such offence; and the justice or justices before whom such person or persons shall be brought, is and are hereby authorized and required to hear and determine the matter of every such complaint, and to proceed to conviction and judgment thereupon.

### C A P. VIII.

*An act for improving and enlarging the harbour of Leith, and to empower the trustees therein mentioned to purchase lands for that purpose; and for erecting docks and other conveniences on the sides thereof.*

WHEREAS the harbour of Leith, lying in the frith of Forth, in that part of Great Britain called Scotland, is too small, and not convenient for the reception of shipping: and whereas the enlarging and deepening the said harbour, and the erecting conveniences for building, repairing, loading, unloading and laying up of ships and vessels, and the building convenient warehouses, wharfs and quays adjoining thereto, for the more commodious loading, unloading and reception of goods, would be of great use not only to the city of Edinburgh, but to the publick in general, by increasing trade and navigation, and advancing the revenue of his Majesty's customs: and whereas the lord provost, magistrates and town council of Edinburgh, being sensible of the advantages that will arise to that city, and to the publick in general, by carrying the said works into execution, have agreed to contribute the sum of two thousand pounds Sterling for completing the

*the same; and divers other persons are willing to contribute a further sum for that purpose; but that it is not possible effectually to carry the said works into execution without the authority of parliament; may it therefore please your Majesty, that it may be enacted, &c.*

Heretors and merchants appointed commissioners. Seven empowered to act. Other freeholders to be chosen in the room of such as shall die, &c. and so of the merchants, &c. Heretors and merchants neglecting to fill up vacancies, the acting commissioners to elect. Commissioners empowered to demolish the old bridge, and erect a draw-bridge, &c. No goods to be landed or shipped but at such places as pursuant to 6 Ann. c. 26. Spaces for publick quays to be reserved on each side of the river. The manse and garden of the minister, &c. of North Leith not to be drained. Accounts, &c. to be open to inspection of any member, &c. At the expiration of this act, the books to be delivered to the town council. City of Edinburgh empowered to contribute 2000l. Commissioners to receive other subscriptions. Purchases after the expiration of this act, the same to vest in the provost, magistrates and council of the city. The rights and privileges of the present harbour, &c. to extend to the new additions. The city to exercise the same jurisdiction over the new, as over the present harbour, &c. so as not to interfere with the powers granted to the commissioners. Proprietors refusing or disabled to make a sale of grounds, the commissioners to appoint the valuation to be settled by a jury, which is to be paid within 30 days, and the premises to be converted to vest in the commissioners, &c. and deeds thereof to be granted upon the certificate of eight of the jury, &c. The minister and kirk session, and heretors of North Leith, empowered to dispose of their property in such grounds as shall be necessary to be taken into the works; the money to be applied in purchase of other grounds. Continuance of this act to the third Tuesday in June 1759. To say as relates to the making of purchases; and in other matters to 31 Dec. 1770, &c.

### C A P. IX.

*An act for punishing mutiny and desertion of officers and soldiers in the service of the united company of merchants of England trading to the East-Indies; and for the punishment of offences committed in the East-Indies, or at the island of Saint Helena.*

WHEREAS the united company of merchants of England trading to the East-Indies, are possessed of several principal settlements in the East-Indies, and of several settlements or factories subordinate to such principal settlements, and are also possessed of the island of Saint Helena: and for the safety and protection of the said settlements and places, and for the better carrying on of their trade to the advantage of this nation, the said united company, at their own costs and charges, do maintain and keep a military force for the garrison and defence of the said settlements, factories and places: and it being requisite for the retaining of such forces in their duty, that an exact discipline be observed, and that soldiers who shall mutiny, or stir up sedition, or shall desert the said company's service, be brought to a more exemplary and speedy punishment than the usual forms of the law do allow; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That from and

Every officer after the twenty fifth day of *March* one thousand seven hundred and fifty four, if any person being mustered, or in pay as an officer, who, after publication as a soldier in any of their settlements, or in the said island of *Saint Helena* respectively, shall at any time after the publication of this act, in their principal settlements, and in the said island of *Saint Helena* respectively, and within such time as such officer or soldier shall have contracted and agreed to serve the said united company, begin, excite, cause or join in any mutiny or sedition in the company, troop or regiment whereto he doth belong, or in any other company, troop or regiment in the said united company's service; or shall not use his utmost endeavours to suppress the same, or coming to the knowledge of any mutiny, or intended mutiny, shall not without delay give information thereof to his commanding officer; or shall desert the said united company's service, or being a soldier actually listed in any regiment, troop or company, shall list himself in any other regiment, troop or company, without a discharge produced in writing from the officer commanding in chief the regiment, troop or company, in which he last served as a listed soldier; or shall be found sleeping upon his post, or shall leave it before relieved; or if any officer or soldier in the said united company's service shall, either upon land, or upon the sea, hold correspondence with any rebel to his Majesty, or with any enemy of his Majesty, or of the said united company; or give them advice or intelligence either by letters, messages, signs or tokens, in any manner or way whatsoever; or shall treat with such rebels or enemies, or enter into any condition with them without the licence of the said united company, or of the said united company's president and council, at any of their said principal settlements, or of the said united company's governor and council at *Saint Helena*, or without the licence of the general, lieutenant general, or chief commander of the said company's forces; or shall strike or use any violence against his superior officer, being in the execution of his office; or shall disobey any lawful command of his superior officer; all and every person and persons so offending in any of the matters before mentioned shall suffer death, or such other punishment as by a court-martial shall inflict.

The King  
may grant a  
commission to  
hold courts-  
martial, &c.

II. And be it further enacted by the authority aforesaid, That his Majesty may grant a commission or warrant under his royal sign manual, unto the court of directors of the said united company, who, by virtue of such commission or warrant, shall have power under the seal of the said united company to authorize and empower their president and council for the time being, at their said principal settlements respectively, or the major part of them, and their governor and council for the time being at the said island of *Saint Helena*, or the major part of them, from time to time to appoint courts-martial; and to authorize and empower the commander in chief of any detachment of any of the officers or soldiers employed in the said company's service, to appoint

appoint courts-martial for the trial of any of the officers or soldiers under their respective commands; in which courts-martial all the offences above mentioned, and all other offences herein after specified, shall be tried and proceeded against in such manner as by this act shall be hereafter directed.

III. Provided always, and be it enacted, That when and so long as any of his Majesty's forces shall be employed to act in defence of any of the ſaid company's settlements, or to assist against any of their enemies in the *East Indies*, the power of appointing courts-martial, or authorizing such appointment as aforesaid, shall be in the commander in chief of such his Majesty's forces for the time being, over ſuch of the ſaid company's officers and soldiers as shall belong to the principal settlement where or from whence ſuch forces shall be employed.

IV. And be it also further enacted, That it ſhall and may be lawful to and for ſuch courts-martial, by their ſentence or judgment, to inflict corporal punishment on any ſoldier for immorality, misbehaviour or neglect of duty.

V. And it is hereby further enacted, That no general court-martial which ſhall have power to ſit by virtue of this act, or by any authority from the commander in chief of his Majesty's forces, or by appointment of the president and council of any of the ſaid united company's principal settlements, or the major part of them, ſhall consist of a leſs number than nine; whereof none to be under the degree of a commission officer; and the president of ſuch general courts-martial ſhall neither be the commander in chief, or governor of the garrison where the offender ſhall be tried, nor under the degree of a captain; and that no general court-martial, which ſhall have power to ſit by virtue of this act, by appointment from the governor and council of *Saint Helena*, or the major part of them, ſhall consist of a leſs number than five, whereof none to be under the degree of a commissioned officer; and the president of ſuch general court-martial ſhall neither be the commander in chief, or governor of the garrison where the offender ſhall be tried, nor under the degree of a lieutenant; and that ſuch courts martial ſhall have power and authority, and are hereby required to take and administer ſuch oaths, and to proceed in ſuch manner as his Majesty ſhall from time to time think fit to order and direct, by any rules or orders under his royal sign manual; and no ſentence of death ſhall be given againſt any offender in ſuch case by present to concur in all ſentences of death. Two thirds of the officers require an immediate example.

VI. Provided always, and it is hereby enacted by the authority aforesaid, That every judge advocate, or person officiating as ſuch at any general court martial, do, and he is hereby required to transmit with as much expedition as the opportunity of time and diſtance of place can admit, the original proceedings.

The command-  
er in chief  
to appoint  
courts-marti-  
al.

Immoralities,  
or neglect of  
duty, puni-  
table by courts  
martial.

General courts  
martial not to  
consist of a leſs  
number than  
nine.

President of  
the court.

General court  
martial at  
*Saint Helena*,

not to consist  
of leſs than 5.

President of  
such court.

Courts-marti-  
al may admi-  
nister oaths.

Judge advo-  
cate to trans-  
mit to the

commander in  
chief, &c. the

original pro-  
ceedings.

ings and sentence of such court martial to his Majesty's commander in chief for the time being, in case such court martial shall be held by virtue of his warrant or authority as aforesaid, or to the president and council of such of the said united company's principal settlements, by virtue of whose warrant or authority the same shall be held; or unto the governor and council at *Saint Helena*, if the same shall be held within their jurisdiction; which said original proceedings and sentence shall be carefully kept and preserved by such commander in chief, or by such president and council, or governor and council respectively; to the end that the persons intitled thereto may be enabled, upon application to them, to obtain copies thereof according to the true intent and meaning of this act.

No person to be tried a second time for the same offence.

Sentence not liable to be revised more than once.

The King may make articles of war.

No punishment to extend to life or limb in peace, except by this act.

Capital crimes cognizable by the civil magistrate punishable by cashiering.  
Offenders against the laws to be delivered up to the civil magistrate.

Officers neglecting to deliver up such offenders,

VII. Provided also, and it is hereby declared and enacted, That no officer or soldier being acquitted or convicted of any offence, be liable to be tried a second time by the same or any other court martial for the same offence; and that no sentence given by any court martial, and signed by the president thereof, be liable to be revised more than once,

VIII. Provided always, and be it enacted, That it shall and may be lawful to and for his Majesty to form, make and establish articles of war, for the better government of the said united company's forces, and for bringing offenders against the same to justice; and to erect and constitute courts martial, with power to try, hear and determine any crimes or offences by such articles of war, and inflict penalties by sentence or judgment of the same, as well within the said united company's limits of trade, as in the said island of *Saint Helena*.

IX. Provided always, That no person or persons shall be adjudged to suffer any punishment extending to life or limb, by the said articles, in time of peace, except for such crimes as are expressed to be so punishable by this act.

X. Provided also, That no person or persons being acquitted or convicted of any capital crimes, violences or offences, by the civil magistrate, shall be liable to be punished by a court martial for the same, otherwise than by cashiering.

XI. Provided also, That if any officer, non-commission officer or soldier, shall be accused of any capital crime, or of any violence or offence against the person, estate or property of any of his Majesty's subjects, which is punishable by the known laws of the land, the commanding officer or officers of every regiment, troop, company or party, is and are hereby required to use his utmost endeavours to deliver over such accused person to the civil magistrate, and shall also be aiding and assisting to the officers of justice in the seizing and apprehending such offender, in order to bring him to trial: and if any such commanding officer shall wilfully neglect or refuse, upon application made to him for that purpose, to deliver over any such accused person to the civil magistrate, or to be aiding and assisting to the officers of justice in apprehending such offender; every such officer so offending, and being thereof convicted before two or more

more justices of the peace for the settlement or place where the fact is committed, by the oath of two credible witnesses, shall be cashiered, and shall be utterly disabled to have or hold any military office or employment in the said united company's service in the *East Indies*; provided the said conviction be affirmed at the next quarter sessions of the peace for the said settlement or place, and a certificate thereof be transmitted to the president and council of such principal settlement, who are hereby obliged to certify the same to the next court martial.

XII. *And whereas it may otherwise be doubted whether the officers and persons employed in the several trains of artillery be within the intent and meaning of this act;* it is hereby enacted by the authority aforesaid, That the officers and persons employed, or that shall be employed in any of the trains of artillery, be deemed in all respects whatsoever within the intent and meaning of this act.

XIII. And be it further enacted by the authority aforesaid, That if any of the said united company's presidents or council, at their respective principal settlements, or any of them, or their governor or council at the said island of *Saint Helena*, shall after the said twenty fifth day of *March* one thousand seven hundred and fifty four, be guilty of oppressing any of his Majesty's subjects beyond the seas within their respective jurisdictions or commands, or shall be guilty of any other crime or offence contrary to the laws of that part of *Great Britain* called *England*, or in force within their respective jurisdictions or commands; such oppression, crimes and offences, may be enquired of, heard and determined in his Majesty's court of *King's Bench*, within that part of *Great Britain* called *England*: or before such commissioners, and in such county of that part of *Great Britain* called *England*, as shall be assigned by his Majesty's commission, and by good and lawful men of the same county; and such punishment shall be inflicted on such offenders, as are usually inflicted for offences of the like nature committed in that part of *Great Britain* called *England*.

## C A P. X.

*An act for granting to his Majesty a certain sum of money therein mentioned out of the sinking fund; and applying certain surplus monies remaining in the exchequer for the service of the year one thousand seven hundred and fifty-four; and for the further disposition of the said sinking fund, by paying thereout the remainder of the sum advanced on the credit of the duty on sweets, and the interest thereof; and for carrying the said duty to the said fund; and for the further appropriating the supplies granted in this session of parliament.*

MOST gracious Sovereign, we your Majesty's most dutiful and loyal subjects, the commons of *Great Britain* in parliament,

parliament assembled, being desirous to raise the residue of the necessary supplies which we have chearfully granted to your Majesty in this session of parliament, by ways and means the least burthensome to your Majesty's subjects, and at the same time to make further provision for the reduction of the national debt, have resolved to give and grant to your Majesty for those purposes the several sums herein after mentioned; and do therefore most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That by or out of such monies as now are, or shall from time to time be and remain in the receipt of the exchequer, of the surplusses, excesses, overplus monies, and other revenues composing the fund commonly called the *Sinking Fund*, (after paying or reserving sufficient to pay all such sums of money as have been directed by any former act or acts of parliament to be paid out of the same) there shall and may be issued and applied a sum not exceeding the sum of seven hundred thousand pounds, for and towards the supply granted to his Majesty for the service of the year one thousand seven hundred and fifty-four; and the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, are hereby authorized and impowered to issue and apply the same accordingly.

7,937 l. 14 s.  
2 d. 2 q. over-  
plus of the  
last year's  
grants:

23,562 l. 7 s.  
9d. 2q. sur-  
plus of duty  
on coals:

32,652 l. 15 s.  
7d. Surplus of  
the duties for  
retailing spi-  
rituous li-  
quors:

30,195 l. 3 s.  
6 d. 2 q. sur-  
plus of the  
funds of the  
lottery in  
1714, to be if  
sued in aid of

the supply.

III. And whereas by an act made in the tenth year of the reign of Geo, 2. c. 17. his present Majesty, for repealing the then present duty upon sweets, and for granting a less duty thereupon, it was amongst other things enacted, That from and after the twenty fourth day of June one thousand seven hundred and thirty seven, there should be raised, levied and paid,

paid, to and for the uſe of his Maſteſty, his heirs and ſucceſſors for ever, for every barrel of liquor made or to be made within the ki-  
ngdom of Great Britain for ſale, by iuſtution, fermentation or otherwife, from foreign fruit or ſugar, or from British fruit or ſugar, or from fruit or ſugar mixed with any other materials whatſoever, commonly called ſweets, or called or diſtinguiſhed by the name of made wines, for which no duty had been then already paid or ſhould be paid on or before the ſaid twenty fourth day of June, the ſum of twelve ſhillings, to be paid by the maker thereof; and ſo in proportion for a greater or leſſ quantity: and whereaſ on the credit of the duty by the ſaid act granted, the ſum of five hundred thouſand pounds hath been advan-  
ced by the go-  
vernour and company of the bank of England, and raised by exchequer bills, carrying an iu-ſtice after the rate of three pounds per centum per annum; and the principal ſum of four hundred ninety nine thouſand six hundred pounds, part of the ſaid ſum of five hundred thouſand pounds, ſtill remains unpaid: and whereaſ the ſaid governour and company of the bank of England do conſent that the ſaid ſum ſo un-  
paid, with iu-ſtice thereon, be transferred to and charged upon the fund commonly called the Sinking Fund: now for the payment of the ſaid principal ſum of four hundred ninety nine thouſand six hundred pounds, with ſuch iu-ſtice as ſhall be due thereupon; be it enacted by the authority aforesaid, That by or out of ſuch monies as now are or ſhall from time to time be and remain in the receipt of the exchequer, of the ſaid ſurplusſes, excesses, over-  
plus monies, and other revenues co-poſing the ſaid ſinking fund, after paying or reſerving ſufficient to pay all ſuch ſums of money as by any former act or acts of parliament have been and by this act are directed to be paid out of the ſame, there shall and may be iſſued and applied any ſum not exceeding the ſum 499,600l. to  
of four hundred ninety nine thouſand six hundred pounds, to be paid out of  
cancel and diſcharge the like ſum in exchequer bills, made out the ſinking  
in purſuance of the ſaid act made in the tenth year of his Ma- fund to the  
jefty's reign, and charged upon the ſaid duty on sweets, as alſo cel exchequer  
such ſum or ſums of money as ſhall from time to time become bills, iſſued on  
due and payable for iu-ſtice upon the ſaid exchequer bills, until the credit of  
the ſame ſhall be paid off, or money ſufficient ſhall be reſerved the duties of  
for that purpose. the recited act.

IV. And be it further enacted by the authority aforesaid, That from and after the fifth day of April one thouſand seven hundred and fifty four, the ſaid duty on sweets ſhall be carried to and made part of the fund, commonly called the Sinking Fund; and ſhall and may be iſſued and applied in ſuch manner, and to ſuch uſes and purpoſes as other rates, duties, revenues and incomes co-poſing the ſaid fund, are or ſhall be directed by authority of parliament to be iſſued and applied, and for no other uſe, intent or purpoſe whatſoever.

V. Provided always, and it is hereby further enacted by the Appropriation authority aforesaid, That all the monies coming into the exchequer, either by loans or exchequer bills, upon one act of this ſession of parliament, intituled, *An act for granting an aid to his Maſteſty by a land tax to be raised in Great Britain for the ſervice of the*

The monies arising by the land tax, the year one thousand seven hundred and fifty four ; and so much money (if any such be) of the tax thereby granted as shall arise or remain after all the loans or exchequer bills made or to be made on the same act, and all the interest, premium, rate and charges thereon, and the charges thereby allowable for raising the said land tax shall be satisfied, or money sufficient shall be reserved in the exchequer to satisfy and discharge the same ; and also all the monies coming into the exchequer, either by loans or exchequer bills, upon one other act of this session of parliament, (intituled, *An act for continuing and granting to his Majesty certain duties upon malt, mun, cyder and perry, for the service of the year one thousand seven hundred and fifty four*) and so much money, if any such be, of the duties thereby granted as shall arise or remain after all the loans or exchequer bills made or to be made on the same act ; and all the interest, premium, rate and charges thereon, and the charges thereby allowable for raising the said duties shall be satisfied, or monies sufficient shall be reserved in the exchequer to satisfy and discharge the same ; and the sum of seven thousand nine hundred thirty seven pounds fourteen shillings and two pence halfpenny remaining in the exchequer, being the overplus of the grants for the service of the year one thousand seven hundred and fifty three, but not applied to the service of that year ; and the sum of twenty three thousand five hundred sixty two pounds seven shillings and nine pence halfpenny, remaining in the receipt of the exchequer, of the surplus of the duties on coals since the twenty fifth day of March one thousand seven hundred and nineteen : and the sum of thirty two thousand six hundred fifty two pounds fifteen shillings and seven pence, remaining in the receipt of the exchequer, of the surplus of the duties on licences for retailing spirituous liquors ; and the sum of thirty thousand one hundred ninety five pounds three shillings and six pence halfpenny, remaining in the receipt of the exchequer, of the surplus of the funds for the lottery in the year of our Lord one thousand seven hundred and fourteen ; and also the sum of seven hundred thousand pounds by this act granted, shall be further appropriated, and are hereby appropriated, for and towards the several uses and purposes herein after expressed, (that is to say) it is hereby enacted and declared to be applied, by the authority aforesaid, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied, any sum or sums of money, not exceeding eight hundred ninety eight thousand seven hundred forty seven pounds twelve shillings and nine pence, for or towards the naval services herein after particularly expressed ; that is to say, for or towards victuals, wages, wear and tear of the navy, and the victualling thereof, performed and to be performed ; and for or towards sea services in the office of ordnance, performed and to be performed ; and for or towards defraying the ordinary of his Majesty's navy, and for half-pay to sea officers ; and for or towards building, rebuilding and repairs of his Majesty's ships, in the year one thousand seven hundred and fifty four.

viz. 898,747l.  
12s. 9d. for  
naval services.

VI. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall <sup>1,642l. 10. to</sup> and may be issued and applied any sum or sums of money, not exceeding one thousand six hundred forty two pounds ten shillings, for paying a bounty for the year one thousand seven hundred and fifty four, of two shillings and six pence *per day* to twenty chaplains in the navy in the late war.

VII. And it is hereby also enacted by the authority aforesaid, <sup>10,000l. to</sup> That out of all or any the aids or supplies aforesaid, there shall Greenwich Hospital. and may be issued and applied any sum or sums of money, not exceeding ten thousand pounds, upon account, towards the support of the royal hospital at Greenwich, for the better maintenance of the seamen of the said hospital, worn out and become decrepit in the service of their country.

VIII. And it is hereby also enacted by the authority aforesaid, <sup>123,565l. 17s.</sup> That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding one hundred twenty three thousand five hundred sixty five pounds seventeen shillings, for the charge of the office of ordnance for land service, for the year one thousand seven hundred and fifty four, performed and to be performed, and for defraying the extraordinary expence of the office of ordnance for land service, not provided for by parliament.

IX. And it is hereby also enacted, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding one million sixty eight thousand one hundred eighty five pounds ten shillings and five pence halfpenny, for and towards maintaining his Majesty's land forces, and other services herein after more particularly expressed; (that is to say,) any sum or sums of money, not exceeding six hundred twenty eight thousand three hundred fifteen pounds seven shillings and eleven pence, for defraying the charge of eighteen thousand eight hundred and fifty seven effective men, including commission and non-commission officers, and also one thousand eight hundred and fifteen invalids, for guards, garrisons, and other his Majesty's land forces in Great Britain, Guernsey and Jersey, for the year one thousand seven hundred and fifty four; and any sum or sums of money, not exceeding two hundred thirty six thousand four hundred twenty pounds eighteen shillings and six pence halfpenny, for maintaining his Majesty's forces and garrisons in the plantations, Minorca and Gibraltar, and for provisions for the garrisons in Nova Scotia, Newfoundland, Gibraltar and Providence, for the year one thousand seven hundred and fifty four;

<sup>1,068,18s.  
10s. 5l. 2q. to  
the land forces;  
628,315l. 7s.  
11d. for  
guards, &c. in  
Great Britain,  
Guernsey, and  
Jersey;</sup>

<sup>236,420l. 18s.  
6d. 2q. for the  
plantations,  
Minorca, and  
Gibraltar, No-  
va Scotia, New-  
foundland, Gibral-  
tar and Pro-  
vidence, and Provi-  
dence, and Provi-</sup>

- 57,358l. 5s.  
5d. to the out pensioners of Chelsea hospital, for  
the year one thousand seven hundred and fifty four; and any sum or sums of money not exceeding fifty five thousand pounds, upon account of half-pay, for the reduced officers of his Majesty's land forces and marines, for the year one thousand seven hundred and fifty four; subject to such rules to be observed in the application of the said half-pay, as are hereafter prescribed concerning the same; and any sum or sums of money not exceeding four thousand two hundred forty six pounds six shillings and eight pence, for defraying the charge for allowances to the several officers and private gentlemen of the two troops of horse guards, and regiment of horse reduced, and to the superannuated gentlemen of the four troops of horse guards, for the year one thousand seven hundred and fifty four; and any sum or sums of money not exceeding two thousand nine hundred forty four pounds for paying of pensions to the widows of such reduced officers of his Majesty's land forces and marines as died upon the establishment of half-pay in *Great Britain*, and who were married to them before the twenty fifth day of *December* one thousand seven hundred and sixteen, for the year one thousand seven hundred and fifty four; which said sum of two thousand nine hundred forty four pounds, shall be issued to such person or persons as his Majesty shall, by warrant or warrants under his royal sign manual, direct and appoint to receive the same, to be by him or them paid over to such widows of half-pay officers, or their assignees, according to such establishments, lists, or other directions, and with and subject to such conditions, qualifications, and other allowances for the same, as his Majesty, by such and the like warrant or warrants, shall be graciously pleased to direct and appoint; and any sum or sums of money not exceeding thirty one thousand nine hundred pounds eleven shillings and eleven pence, for defraying the extraordinary expences of his Majesty's land forces, and other services, incurred in the year one thousand seven hundred and fifty three, and not provided for by parliament; and any sum or sums of money not exceeding twenty thousand pounds, to enable his Majesty to make good his engagements with the elector of *Bavaria*, pursuant to treaty; and any sum or sums of money not exceeding thirty two thousand pounds, to enable his Majesty to make good his engagements with the king of *Poland*, elector of *Saxony*, pursuant to treaty.
- X. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding eleven thousand three hundred ninety two pounds six shillings and nine pence, upon account, for defraying the charges incurred by supporting and maintaining the settlement of his Majesty's colony of *Nova Scotia* in the year one thousand seven hundred and fifty three, and not provided for by parliament;
- 55,000l. to the reduced officers of the land forces and marines.
- 4,246l. 6s. 8d. to the horse guards, &c. reduced;
- 2,944l. to half pay officers widows, &c.
- 31,900l. 11s.  
11d. for extraordinary expences in  
1753.
- 20,000l. to the elector of *Bavaria*.
- 32,000l. to the King of *Poland*.
- 11,392l. 6s.  
9d. towards the settling *Nova Scotia* in 1753.

ment; and any ſum or ſums of money not exceeding forty seven thousand and fifty four pounds fifteen ſhillings and three pence, <sup>47,054l. 15s.</sup> <sub>3d. for Nova</sub> upon account, for ſupporting and maintaining the ſettlement *Scotia*, <sub>3d. for Nova</sub> of his Maſtety's colony of *Nova Scotia*, for the year one thou- ſand ſeven hundred and fifty four.

XI. And it is hereby alſo enacted by the authority aforesaid, <sup>61,505l. 19s.</sup> That out of all or any the aids or ſupplies aforesaid, there ſhall <sup>9d. 1q. to</sup> make good and may be iſſued and applied any ſum or ſums of money not <sup>the deficiency</sup> exceeding六十 one thousand five hundred five pounds nineteen <sup>of the half-</sup> ſhillings and nine pence farthing, to make good the deficiency <sup>subſidy</sup>. ſhillings of the half ſubſides of tonnage and poundage, charged with the payment of ſeveral annuities by the acts of the fifth year of the reign of Queen *Anne*, and the fifth year of the reign of his late ma- jesty King *George* the First, to ſatisfy all annuities charged there- upon to the fifth day of *January* one thousand ſeven hundred and fifty four; and any ſum or ſums of money not exceeding six thousand seven hundred ninety two pounds fifteen ſhillings, <sup>6,792l. 15s. to</sup> to replace to the ſinking fund the like ſum paid out of the fame to <sup>the deficiency</sup> make good the deficiency of the duty of twelve ſhillings a barrel <sup>on sweets, at</sup> on sweets, or wines made from *British* or foreign fruit or sugar, <sup>October 1753.</sup> upon the tenth day of *October* one thousand ſeven hundred and fifty three; and any ſum or ſums of money, not exceeding two thousand pounds, towards enabling the commissioners for <sup>2,000l. for the</sup> building a bridge cross the river *Thames* from the city of *Westminster* to the opposite ſhore in the county of *Surrey*, to main- tain the ſaid bridge, and to perform the other truſts repoſed in them; and any ſum or ſums of money, not exceeding six thou- <sup>6,000l. to</sup> ſand pounds, towards laying out, making and keeping in repair <sup>wards mak-</sup> a road proper for the paſſage of troops and carriages from the <sup>from Carlile</sup> city of *Carlile* to the town of *Newcastle upon Tyne*; and any <sup>to Newcastle</sup> ſum or ſums of money not exceeding ten thousand pounds, to be <sup>10,000l. for</sup> applied in building, maintaining, and ſupporting the *British* <sup>the British</sup> forts and ſettlements upon the coaſt of *Africa*; and any ſum or <sup>forts, &c. up-</sup> ſums of money not exceeding two thousand six hundred thirty <sup>on the coaſt</sup> of *Africa*, two pounds, upon account, for defraying the charges of the <sup>2,632l. for</sup> de- civil establishment of his Maſtety's colony of *Georgia*, and other <sup>fraying the</sup> incidental expences attending the fame, from the twenty fourth <sup>civil establish-</sup> day of *June* one thousand ſeven hundred and fifty three, to the <sup>ment of Geor-</sup> <sup>gia.</sup> twenty fourth day of *June* one thousand ſeven hundred and fifty four; and any ſum or ſums of money, not exceeding fifteen <sup>15,497l. 3s.</sup> <sub>2d. 1q. to dif-</sub> thousand four hundred ninety seven pounds three ſhillings and charge bills, two pence farthing, to ſatisfy the ſeveral principal ſums remain- <sup>drawn for</sup> ing due on bills drawn from *America*, and certificates given for military ser- vices in *Georgia* in men, half galleyes or schooners in *Georgia*, and other charges <sup>1747.</sup> thereunto belonging, and for extraordinary military services, to *Midsummer* one thousand ſeven hundred and forty seven, agree- able to the report of the auditor of the impreſt.

XII. And be it further enacted by the authority aforesaid, That the ſaid aids and ſupplies provided as aforesaid, ſhall not be ap- <sup>These aids to</sup> be iſſued and applied to any other uſe, intent or purpose what- <sup>ated to no</sup>

soever, other than the uses and purposes before-mentioned, or for the several deficiencies or other payments directed to be satisfied thereout by any act or acts, or any particular clause or clauses for that purpose contained in any other act or acts of this present session of parliament.

**Rules to be observed in the application of the half-pay.**

XIII. And as to the said sum of fifty five thousand pounds by this act appropriated on account of half-pay as aforesaid, it is hereby enacted and declared by the authority aforesaid; That the rules herein after prescribed shall be duly observed in the application of the said half-pay; that is to say, That no person shall have or receive any part of the same, who was a minor, and under the age of sixteen years, at the time when the regiment, troop or company, in which he served, was reduced; that no person shall have or receive any part of the same, except such persons who did actual service in some regiment, troop or company; that no person having any other place or employment of profit, civil or military, under his Majesty, shall have or receive any part of the said half-pay; that no chaplain of any garrison or regiment, who has any ecclesiastical benefice in Great Britain or Ireland shall have or receive any part of the said half-pay; that no person shall have or receive any part of the same, who has resigned his commission, and has had no commission since; that no part of the same shall be allowed to any person by virtue of any warrant or appointment, except to such persons who would have been otherwise intitled to the same as reduced officers; and that no part of the same shall be allowed to any of the officers of the five regiments of dragoons, and eight regiments of foot, lately disbanded in Ireland, except to such as were lately taken off the establishment of half-pay in Great Britain.

XIV. And whereas by an act of parliament made and passed in the twenty sixth year of his Majesty's reign (intituled, An act for granting to his Majesty a certain sum of money therein mentioned out of the sinking fund; and for applying certain surplus monies remaining in the exchequer for the service of the year one thousand seven hundred and fifty three; and for the further appropriating the supplies granted in this session of parliament; and for enlarging the time limited by an act of the last session of parliament, for subscribing annuities after the rate of three pounds per centum per annum, and three pounds ten shillings per centum per annum, into the joint stock of annuities; and for other purposes therein mentioned;) the several supplies which had been granted to his Majesty, as is therein mentioned, were appropriated to the several uses and purposes therein expressed; amongst which, any sum or sums of money not exceeding fifty eight thousand pounds was appropriated to be paid to the reduced officers of his Majesty's land forces and marines, subject nevertheless to such rules to be observed in the application of the said half-pay, as in and by Surplus of last the aforesaid act were prescribed in that behalf: now it is hereby years half-pay provided, enacted and declared, by the authority aforesaid, That to be disposed so much of the said sum of fifty eight thousand pounds as is or shall

ſhall be more than ſufficient to ſatisfy the ſaid reduced officers, according to the rules prescribed by the ſaid act to be obſerved of by his Ma- in the application thereof, or any part of ſuch overplus, ſhall jefty. and may be diſpoſed of to ſuch officers who are maimed or lost their limbs in the late wars, or ſuch others as by reaſon of their long ſervice or otherwife, his Maſteſty ſhall judge to be proper objeſts of charity, or to the widows or children of ſuch officers, according to ſuch warrant or warrants under his Maſteſty's royal ſign manual, as ſhall be ſigned in that behalf; any thing in this act, or the ſaid former act, to the contrary notwithstanding.

## C A P. XI.

*An act to continue the duties for encouragement of the coinage of money; and for removing doubts concerning the continuance of the duty of twenty ſhillings for every ton of brandy wines and ſtrong waters imported.*

**M**A Y it please your moſt excellent Maſteſty: Whereas by an act made in the eigtheenth year of the reign of King Charles the <sup>18 Car. 2. c. 5.</sup> Second, and continued with ſome additions by an act made in the <sup>25 Car. 2. c. 8.</sup> twenty fifth year of his reign; both which acts were revived and further continued by an act made in the firſt year of the reign of King James the Second, and further continued by ſeveral ſubsequent <sup>1 Jac. 2. c. 7.</sup> acts made in the fourth year of the reign of King William and Queen Mary, and in the twelfth and thirteenth year of the reign of <sup>4 Will. & Mary, c. 24.</sup> King William the Third, certain rates and duties were imposed on all <sup>12 & 13 Will. 3. c. 11.</sup> wines, vinegar, cyder and beer, and also on all brandy wines and ſtrong waters imported or brought into the port of London, or into any other ports, creeks or places, within the kingdom of England, dominion of Wales, or town of Berwick upon Tweed, the ſaid ſeveral rates and duties to be applied towards defraying the charge of the coinage of gold and ſilver monies in the mints of England: and whereas after the union of the two kingdoms of England and Scotland, an act was made in the seventh year of the reign of Queen Anne, whereby <sup>7 Ann. c. 24.</sup> the like rates and duties were granted and made payable for the like purpoſes, and for the term therein mentioned, on all wines, vinegar, cyder, beer, brandy wines and ſtrong waters imported into Great Britain; and the ſaid acts made in the eigtheenth and twenty fifth years of the reign of King Charles the Second, and also an act made in the fourth year of the reign of Queen Anne, and every clause, article and ſentence in the ſaid acts, or any of them contained, were revived and further continued, with ſome additional provisions, for the ſervice of the mints in England and Scotland respectively: and whereas by an act made in the firſt year of the reign of King George the First, the ſaid ſeveral rates and duties, and all the ſaid former acts, and all other acts of parliament concerning coinage then being in force, were revived and continued for the further term therein mentioned, and a provision was thereby made for ſupplying any deficiency of the revenue ſettled for the encouragement of the coinage: and whereas the ſaid ſeveral rates and duties, and all the ſaid acts concerning coinage, were with a like provision for ſupplying any deficiency of the ſaid revenue,

*venue, further continued by several subsequent acts made in the ninth year of the reign of King George the First, and in the fourth year 9 Geo. I. c. 19. of the reign of your Majesty: and whereas by an act made in the ninth 4 Geo. 2. c. 12. year of the reign of your Majesty, intituled, An act for laying a 9 Geo. 2. c. 23. duty on the retailers of spirituous liquors, and for licensing the retailers thereof; it was, amongst other things enacted, That the duties and revenues which should arise by the licences for vending brandy or spirits, as also the then present duties on sack, wines, strongwaters, brandy, rum, arrack, and all other spirits, whether foreign or British, and such duties as should arise by the retailing the same, should, from and after the twenty ninth day of September, one thousand seven hundred and thirty six, be united to, and made part of, the general or aggregate fund, established by the act of the first year of the reign of his late majesty King George the First, and be issued and applied to the uses*

*12 Geo. 2. c. 5. to which the said fund was or should be made applicable: and whereas by an act made in the twelfth year of the reign of your Majesty, such only of the said rates and duties so granted by the said act made in the eighteenth year of the reign of King Charles the Second, as were thereby charged on the importation of wines, vinegar, cyder and beer, and all the said former acts, and all other acts of parliament concerning coinage, then being in force, and the same provision for supplying any deficiency of the said revenue, were further continued;*

*19 Geo. 2. c. 14. and by an act made in the nineteenth year of the reign of your Majesty, have continuance for the space of seven years, from the first day of March one thousand seven hundred and forty five, and until the end of the first session of parliament then next following, and no longer: and whereas great benefit hath arisen from the encouragement of coinage given by the said acts, and it is therefore expedient, that an adequate revenue be settled and continued for the like purposes; we your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, do give and grant unto your Majesty the rates, duties and impositions herein after-mentioned, for and during the term herein after expressed, and do humbly pray, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That such and the like rates, duties and impositions, as by the said act of the eighteenth year of the reign of King Charles the Second were granted, and by the said subsequent acts were continued, for and upon the importation of wines, vinegar, cyder and beer, during the respective terms therein mentioned, shall be further continued, and be paid and payable to his Majesty, his heirs and successors, for and upon all wines,*

*18 Car. 2. on the importation of wines, vinegar, cyder and beer, during the respective terms therein mentioned, shall be further continued, and be paid and payable to his Majesty, his heirs and successors, for and upon all wines, vinegar, cyder or beer, which shall be imported or brought into Great Britain, within or during the space of seven years, to commence from the first day of March one thousand seven hundred and fifty four, and until the end of the first session of parliament then next following, and no longer; and that all the said former acts, and all other acts of parliament concerning coinage,*

*and the recited acts relating thereto, continued for 7 years. and every of them, and every clause, article, and sentence in them,*

them, or any of them contained, now being in force, shall be and are by virtue of this act continued, and shall be in force, and be duly put in execution, for and during all such time and term as are before-mentioned, as fully and effectually, as if the same were particularly repeated and re-enacted in the body of this present act.

II. And to the end the importers of gold and silver into the mints of *England* and *Scotland* respectively, may not be discouraged by any deficiency of the revenue by this act settled for defraying the coinage thereof; be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners of the treasury, or any three or more of them now being, or the lord high treasurer, or any three or more of the commissioners of the treasury for the time being, and they are hereby empowered and directed, out of the monies arising by this act, or out of any other publick supplies granted or to be granted by parliament, to cause so much money to be applied as shall be necessary for defraying the expences of the said mints of *England* and *Scotland* respetively, by way of imprest, and upon account, for that service, so as the same, together with the coinage duties arising by this act do not exceed in any one year the sum of fifteen thousand pounds, and so as the said monies be issued out of the exchequer of *Great Britain*, to the master of the mint in *England*, and to the master of the mint in *Scotland* respectively, for the said purposes.

Treasury to issue monies for defraying the expences of the mints in England and Scotland.

III. And whereas some doubts have arisen concerning the continuance of the duty of twenty shillings for every ton of brandy wines and strong waters imported; which together with other duties and revenues was, by the herein before-recited act made in the ninth year of the reign of his present Majesty, in manner before-mentioned, united to and made part of the aggregate fund: now, for removing all doubts concerning the continuance of the said duty; be it declared by the authority aforesaid, That it was the true intent and meaning of the said act, to continue the said duty of twenty shillings 20 s. formerly for every ton of brandy wines and strong waters imported, as granted on part of the said aggregate fund, for and during such term for which any of the rates, duties, and revenues, composing the imported, con- said aggregate fund were granted and made payable, notwithstanding the expiration of the term for which the said duty of twenty shillings for every ton of brandy wines, and strong waters imported, was granted by the herein before-mentioned act made in the fourth year of the reign of his present Majesty.

The duty of 20 s. formerly granted on every ton of brandy, &c.

## CAP. XII.

*An act for improving and preserving the navigation from Salter's Load Sluice in the county of Norfolk, to Standground Sluice in the county of Huntingdon; and from Flood's Ferry in the isle of Ely in the county of Cambridge, to Ramsey High Load in the ſaid county of Huntingdon; and also the navigation from Old Bedford Sluice in the ſaid county of Norfolk, to the river Nene, in the parish of Ramsey, in the ſaid county of Huntingdon.*

**W**H E R E A S the navigation from the port of King's Lynn, to Standground Sluice near the city of Peterborough, was anciently carried on from Salthirn Load, otherwise Salter's Load Sluice in the county of Norfolk, through Well Creek and the river Nene, to Flood's Ferry in the county of Cambridge; and from thence through Ramsey Mere, Ugg Mere, and Whittleſea Mere, in the county of Huntingdon; but the navigation through the ſaid meres being at all times extremely tedious, difficult and dangerous, and very frequently altogether impracticable; the navigation from the ſaid port of King's Lynn, to Standground Sluice aforesaid, has for many years been carried on from Flood's Ferry aforesaid, through a certain drain called Whittleſea Dyke, being the ſafest and nearest paſſage: and whereas the navigation from the parish of Ramsey, and the adjacent places to the ſaid port of King's Lynn, will be moſt conveniently carried on by Flood's Ferry, through the river Nene, Well Creek and Salter's Load aforesaid: and whereas the navigation from the towns of Chatteris, Maneſy and Welney, to the ſaid port of King's Lynn, has for many years been chiefly carried on through a certain drain called the Forty Foot Drain, and the Old Bedford River: and whereas the trade carried on upon the ſaid rivers, and through the ſaid creek and drains is greatly increased, and it is become necessary to clean, deepen, widen and scour the ſaid rivers, creek and drains, which cannot be effected without a conſiderable expeſe: and whereas the preserving and improving of the ſaid navigations, will be a great and general advantage to the ſaid port of King's Lynn, and the city of Peterborough, and to all the towns and villages ſituate near the ſaid rivers, and to the whole adjacent country; may it therefore please your Maſteſty, that it may be enacted,

Commissioners appointed for preserving the navigation of the river. Inhabitants to meet annually in their verſtries on Monday in Eaſter week, and choose commissioners. Certiſcates of the persons ſo chosen to be tranſmitted to the other commissioners. Inhabitants neglecting to choose commissioners, they are then to be choſen by the commissioners at their next meeting. Vacancies of commissioners by death, &c., to be filled up within a month. Notice to be given of meetings for that purpoſe. Tolls granted for compleating the navigations, viz. For every chalder of coals, hundred of battens, half hundred of other deals, load of timber, eight packs of wool, weigh of salt, load of wheat, rapeseed, linseed, coalſeed, barley, rye, peafe or beans, laſt of oats or barley bigg, two thouſand of turf, load

load of reed, ſedge, hay, flax or hemp, laſt of malt, thouſand of tiles, five hundred of briks, twenty feet of ſtone, and every chalder of lime, 3 d. and the like ſum for every ton of other goods. The toll veſted in the commissioners. Pleaſure-boats exempted. Collector not to be keeper of any of the ſluices. Commissioners may borrow a ſum not exceeding 3000l. on the credit of the tolls. Commissioners may make pen ſluices, and ſet out towiſ paths and haling ways, making ſatisfaction to the owners. Nine commissioners may receive propoſals, but no contract to be concluded unlesſ 25 be preſent. Persons intereſted refuſing to treat for the ſale of lands, a jury to ſettle the recompence. Verdiſt of the jury and judgment of the commissioners to be conculſive; and to be delivered to the clerk of the peace. Commissioners may examine witneſſes, and order the jury to view the places. Commissioners to maintain and repair the towiſ paths, and ſet up gates and ſtiles, and erect bridges where neceſſary. Where a breach ſhall happen, or there be danger of one in any of the banks which the commissioners are to keep in repair, the occupiers of lands are to give notice; and if the ſame be not timely repaired, they may do it, and the expences to be repaid them. Conservators of the Great Level to erect ebb doors at the ſluices. Gates to be erected at the mouth of Old Bedford River. Old Bedford River and the Forty Foot Drain may be cleaſed. The conservators neglecting to repair the ebb doors, the commissioners may do it, and deduct the expences out of the annual ſums payable to the conservators. The improvement and paſtevaſion of the na- viſations to be under the ſole direcſion of the commissioners. Boat master anſwerable for the damage done by his boat or crew, &c. Persons aggrieved by the order of any juſtice for oſtences againſt this act, may appeal to the quaſter ſeſſions. Order of juſtice not to be quashed for want of form. Dreftroying or daſaging any of the works, felony. Commissioners at their annual meetings may reduce the tolls, and raife them again if neceſſary. Commissioners may ſummon and examine on oath perſons in- tituted with the receipt or expenditure of money, and levy the baſe in arrear, &c. by diſtriſ and ſale; and for want of diſtreſ may commit the party.

### C A P. XIII.

*An act to indemnify persons who have omitted to qualify themſelves for offices and promotions within the time limited by law, and for allowing further time for that purpose. EXP. Time given to 28 Nov. 1754.*

### C A P. XIV.

*An act to continue ſeveral laws relating to the diſtemper now raging among the horned cattle in this kingdom.*

### C A P. XV.

*An act to explain and amend an act made in the ninth year of the reign of his late maſteſ King George the First, intituled, An act for the more effectual puniſhing wicked and evil diſpoſed perſons going armed and diſguifeſ, and doing injuries and violences to the perſons and properties of his Maſteſ's ſubjects; and for the ſpeedy bringing the offendereſ to juſtice.*

**W**HEREAS by an act made in the ninth year of the reign of his late maſteſ King George the First, intituled, An act for the more effectual puniſhing wicked and evil-diſpoſed perſons going armed and diſguifeſ, and doing injuries and violences to the perſons and properties of his Maſteſ's ſubjects; and for the ſpeedy bringing the offendereſ to juſtice; it is amoneſt other thiſgs enaſted, That if any perſon or perſons, from and after the first

of June in the year of our Lord one thousand seven hundred and twenty three, shall knowingly send any letter without any name subscribed thereto, or signed with a fictitious name, demanding money, venison or other valuable thing, or shall forcibly rescue any person being lawfully in custody of any officer or other person, for any of the offences in the said act mentioned, every person so offending, being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer death as in cases of felony without benefit of clergy: and whereas divers letters have been sent to several of his Majesty's subjects, threatening their lives or burning their houses, which letters not demanding money, venison or any valuable effects, are not subject to the penalties of the said act; to prevent the like mischievous and iniquitous proceedings for the future, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That if any person or persons, from and after the first day of May one thousand seven hundred and fifty four, shall knowingly send any letter without any name subscribed thereto, or signed with a fictitious name or names, letter or letters, threatening to kill or murder any of his Majesty's subject or subjects, or to burn their houses, out-houses, barns, stacks of corn or grain, hay or straw, though no money or venison or other valuable thing shall be demanded in or by such letter or letters; or shall forcibly rescue any person being lawfully in custody of any officer or other person for the said offence, every person so offending, being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer death as in cases of felony without benefit of clergy.

Persons convicted of tend-  
eaten-  
ing or incendi-  
ary letters,

or of rescuing  
persons in cu-  
tivity for such  
offences, to  
suffer death.

### C A P. XVI.

*An act for making perpetual several laws for punishment of persons destroying turnpikes, locks or other works erected by authority of parliament; and that all acts made for erecting courts of conscience shall be deemed publick acts; and to empower a certain number of the trustees of the British Museum to do certain acts; and for confirming the table of fees to be taken by the clerks to the justices of the peace for the county of Middlesex; and for giving further time for the payment of duties omitted to be paid for the indentures or contracts of clerks and apprentices; and for filing affidavits of the execution of contracts of clerks to attorneys and solicitors; and for preventing persons driving certain carriages from riding upon such carriages.*

; Geo. 2. c. 33. **W**H E R E A S an act made in the fifth year of the reign of his present Majesty, intituled, An act to explain, amend and render more effectual an act passed in the first year of his present Majesty's reign, intituled, An act for punishing such persons as shall wilfully and maliciously pull down and destroy turnpikes for repairing

pairing highways, or locks or other works erected by authority of parliament for making rivers navigable; and also an act made in the eighth year of the reign of his present Majesty, intituled, An act for & Geo. 2. c. 20. rendering the laws more effectual for punishing such persons as shall wilfully and maliciously pull down or destroy turnpikes for repairing highways, or locks or other works erected by act of parliament for making rivers navigable, and for other purposes therein mentioned; which said acts expired, and were afterwards by an act made in the fifteenth and sixteenth year of his present 15 & 16 Geo. 2. Majesty's reign revived, and were to be in force for the purposes c. 33. therein mentioned from the first day of June one thousand seven hundred and forty two, until the first day of June one thousand seven hundred and forty seven; and which by another act made in the twentieth year of the reign of his present Majesty was further continued 20 Geo. 2. c. 47. from the expiration thereof, until the first day of June one thousand seven hundred and fifty four, and from thence to the end of the then next session of parliament, have been found by experience to be useful and beneficial, and are near expiring: may it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That the said acts shall be, and the same are hereby made perpetual. The recited acts made perpetual.

II. And whereas many inconveniences have arisen by reason several acts for erecting courts of requests or conscience in several cities, towns corporate and other places, have not been declared to be publick acts; be it therefore enacted, That from and after the first day of January one thousand seven hundred and fifty five, all the erecting courts acts of parliament for erecting courts of requests or conscience of conscience for the recovery of small debts in cities, towns corporate, and other places in this kingdom, shall be deemed, adjudged and taken to be publick acts, and shall be judicially taken notice of publick acts. as such by all judges, justices and other persons whatsoever, without specially pleading the same.

III. And whereas by an act made in the twenty sixth year of the reign of his present Majesty, intituled, An act for the purchase of the Museum or collection of Sir Hans Sloane, and of the Harleian collection of manuscripts, and for providing one general repository for the better reception and more convenient use of the said collections, and of the Cottonian Library, and of the additions thereto; it is among other things enacted, That certain persons in the said act named, and their successors, shall be trustees for putting the said act in execution; and that they, or the major part of them, in a general meeting assembled, whereof the archbishop of Canterbury, the lord chancellor or lord keeper, and the speaker of the house of commons shall be three, shall in such manner as they shall think fit elect and nominate fifteen other persons to be associated to them in the executions of the trusts thereby in them reposed; and when any of the trustees so elected and nominated shall die, shall in like manner elect and nominate a fit person or persons to supply the place or places of him or them

them so dying, and so toties quoties as any of the said trustees so elected and nominated, or others so elected and nominated to supply their places, shall happen to die: and whereas the powers and authorities given to the whole body of the trustees of the British Museum, by the said act incorporated, are thereby limited to be exercised by them, or the major part of them, at any general meeting assembled: and whereas it may happen that the said archbishop of Canterbury, the lord chancellor or lord keeper, and the speaker of the house of commons, may be hindered by indisposition or avocation from being all of them present at such elections of trustees; and it may also happen that the major part of the whole number of the trustees of the British Museum cannot conveniently be present at every general meeting of the said trustees; be it enacted by the authority aforesaid, That every such election of a trustee, at which the said archbishop of Canterbury, the lord chancellor or lord keeper, and the speaker of the house of commons, or any two of them shall be present, shall be as valid and effectual to all intents and purposes whatsoever, as if the said archbishop of Canterbury, the lord chancellor or lord keeper, and the speaker of the house of commons, were all of them present; and that the acts and orders made by the major part of such number of the said trustees, as shall be present at any such general meeting, so as seven of the said trustees at the least be there present, shall have the same and the like force and effect, as if such acts and orders were made by the major part of the whole number of the said trustees; any thing in the said act or any law to the contrary thereof in any wise notwithstanding.

26 Geo. 2. c. 14.

IV. And whereas by an act passed in the last session of parliament, intituled, An act for the settling and ascertaining the fees to be taken by clerks to the justices of the peace, it is thereby enacted, That the tables of fees therein required to be made and approved by the justices of the peace at their respective general quarter sessions throughout that part of Great Britain called England, shal be laid before the judges at the next assizes who are thereby required to ratify and confirm the same in manner as therein mentioned: and whereas no sufficient provision is therein made for the ratifying and confirming the tables of fees made, settled and approved, or to be made, settled and approved, by the justices of the peace for the county of Middlesex; be it therefore enacted by the authority aforesaid, That the table of fees to be taken by the clerks to justices of the peace for the county of Middlesex, which is or shall from time to time be made, settled and approved by the said justices for the said county at their general or quarter sessions, shall be laid before the lord chief justice of the King's Bench, the lord chief justice of the Common Pleas and the lord chief baron of the Exchequer, or any two of them, who are hereby authorized and required to ratify and confirm such table of fees, in such manner and form as the same shall be so made, settled and approved of, or with such alterations, additions or abatements, as to the said lord chief justice of the King's Bench, the lord chief justice of the Common Pleas, and the lord chief baron of the Exchequer, or any

Tables of fees  
for clerks of  
justices in  
Middlesex,  
being approv-  
ed at the quar-  
ter sessions, to  
be ratified by  
the lords chief  
justices and  
chief baron, or  
two of them.

any two of them, shall appear to be just and reasonable; and the ſaid juiſces of the peace for the ſaid county are hereby impowered and required to make a table of ſuch fees at their next general or quarter ſeffions to be held for the ſaid county after the twenty fourth day of June one thousand ſeven hundred and fifty four, and to approve or alter the ſame at the next ſucceding general or quarter ſeffions, and from time to time, and in like manner to make and approve any other table of ſuch fees.

V. And, for the relief of any person or persons, who through neglect or inadvertency have omitted to pay the ſeveral rates and duties, or any part thereof, upon monies given, paid, contracted or agreed for, with or in relation to any clerk, apprentice or ſervant, who hath been put or placed to or with any master or miſtreſs, to learn any profession, trade, or employment, and to have ſuch indentures or other writings which contain the covenants, articles, contracts or agreements, relating to the ſervice of ſuch clerk, apprentice or ſervant, ſtamped within the times by the ſeveral acts of parliament for thoſe purpoſes reſpectively limited, or who have also in like manner omitted to insert and write in words at length, in ſuch indentures or other writings as aforesaid, the full ſum or ſums of money or any part thereof received, or in any wife directly or indirecely given, paid, or agreed, or contracted for, with, or in relation to every ſuch clerk, apprentice or ſervant, as aforesaid; be it enacted, That upon payment of the rates and duties upon monies, or ſuch part of ſuch monies ſo neglected or omitted to be paid as aforesaid, on or before the first day of August one thousand ſeven hundred and fifty four, to ſuch person or persons to whom the ſame ought to be paid, and tendering the ſaid indentures or other writings to be ſtamped at the ſame time, or at any time on or before the twenty ninth day of September one thousand ſeven hundred and fifty four, (of which timely notice is to be given in the *London Gazette*) the ſame indentures or other writings ſhall be good and available in law or equity, and may be given in the ſame to be evidence in any court whatſoever; and the clerk, apprentice or ſervant therin named, ſhall be capable of following and exerciſing their reſpective intended trades or employments, as fully as if the ſaid rates and duties ſo omitted had been duly paid, and the full ſum or ſums received or agreed for as aforesaid, had been inserted; and the persons who have incurred any penalties by the omissions aforesaid, ſhall be acquitted and discharged of and from the ſaid penalties; any thing in the ſaid former acts to the contrary notwithstanding.

VI. And whereaſ divers perſons through miſtake, absence, or ſome unavoidable accident, to the prejudice of infants and others, have omitted to cauſe affidavits to be made and filed in the proper offices, of the actual execution of ſeveral contracts in writing, to ſerve as clerks to attorneyes and ſolicitors, within the times limited and expreſſed by certain acts paſſed in the twenty ſecond and twenty fourth years of his preſent Maieſty's reign, whereby many perſons may be in danger of incurring the diſabilities in the ſaid act of the twenty ſecond year of his

Further time  
allowed to  
persons, who  
have omitted  
to file affidava-  
nts of con-  
tracts to serve  
as clerks to  
attorneys ac-  
cording to  
22 Geo. 2. c. 46.

*his present Majesty's reign ſpecified; be it therefore enacted by the authority aforesaid, That all and every person or persons who have omitted to cause ſuch affidavit or affidavits to be made and filed as aforesaid, and who ſhall, on or before the first day of Michaelmas term next, cause one or more affidavit or affidavits, to be made and filed in ſuch manner as directed by the ſaid laſt recited acts, or either of them, ſhall be, and are hereby indemnified, freed and discharged, from and againſt all penalties, for- feitures, incapacities and disabilities in the ſaid act of the twenty second year of his present Majesty's reign mentioned, incurred or to be incurred, for or by reaſon of any neglect or omission, in causing ſuch affidavit or affidavits ſo to be made and filed as aforesaid, according to the direc‐tions of the ſaid laſt recited acts, or either of them; and ſuch affidavit or affidavits ſo to be made and filed as aforesaid, ſhall be as effectual to all intents and pur‐poſes, as if the ſame had been made and filed within the reſpective times limited by the ſaid several laſt recited acts, or either of them.*

The driver of  
any cart, &c.  
who ſhall ride  
thereon, not  
having ſome  
peron on foot  
to guide the  
ſame,  
or who ſhall  
by negligence  
hurt any per‐  
ſon paſſing the  
ſtreets,

to forfeit 20s.  
or be commit‐  
ted.

Offender may  
be apprehend‐  
ed without  
warrant.

VII. And whereaſ many bad accidents happen, and great miſchiefs are frequently done upon the ſtreets and highways by the negligence or wiſful miſbehaviour of perons driving carriages thereon; be it therefore further enacted, That if the driver of any cart, car, dray or waggon, ſhall ride upon any ſuch carriage, not having ſome other peron on foot or on horſeback to guide the ſame (ſuch carts as are reſpectively drawn by one horſe only, or by two horſes abreast, and are conducted by ſome peron holding the reins of ſuch horſe or horſes excepted) or if the driver of any carriage whatſoever, on any part of any ſtreet or highway, ſhall by negligence or wiſful miſbehaviour cauſe any hurt or damage to any peron paſſing or being upon ſuch ſtreet or highway, every ſuch driver offend‐ing in any of the caſes aforesaid, and being convicted of ſuch offence, either by his own confeſſion, or by the oath of one or more credible witness or witneſſes, before any justice of the peace of the county, riding, diſtrict or place, where ſuch offence ſhall be committed, ſhall for every ſuch offence forfeit any ſum not exceeding ten thillings, or ſhall be committed to the house of correCTION for any time not exceeding one month, at the diſcretion of ſuch justice; and every ſuch driver, offend‐ing in either of the ſaid caſes, ſhall and may by authority of this act, and without any other warrant, be apprehended by any peron or perons who ſhall ſee ſuch offence committed, and ſhall be immediately conveyed or delivered to a conſtant or other peace officer, in order to be conveyed before ſome justice of the peace, to be dealt with according to law.

## C A P. XVII.

*An act for reuelling in the crown the power of appointing the marshal of the Marshalsea of the court of King's Bench; and for the better regulation of that office, and of the inferior offices thereto belonging; and for rebuilding the King's Bench prison.*

W H E R E A S his majesty King James the First, by his letters patent bearing date at Westminster the fifteenth day of May in the fourteenth year of his reign, did give and grant to Sir William Smith knight, his heirs and assigns, the office of marshal of the Marshalsea of the court of King's Bench, to have, hold, enjoy, exercise and occupy the said office by himself or themselves, or his or their ſufficient deputy or deputies, for ever; and did alſo thereby grant to the ſaid Sir William Smith, his heirs and assigns, all fees and profits belonging to the ſaid office, together with the cuſtody of the prison and prisoners thereto committed, as by the ſaid letters patent, relation thereunto being had, may more at large appear: and whereas the fee ſimple and inheritance of the ſaid office, by virtue of ſeveral meſne conveyances and assurances in the law, did afterwards become vested in William Lenthall late of Great Hazeley in the county of Oxon, esquire, deceased: and whereas the ſaid William Lenthall, by indenture bearing date on or about the twenty fourth day of February one thousand ſix hundred and eighty four, in conſideration of the ſum of ten thouſand pounds therein mentioned to be advanced and lent by Sir John Cutler of Westminster, in the county of Middle-  
ſex, knight and baronet, did, amongſt other things, covenant that he and his heirs ſhould ſtand ſeized of the fee ſimple and inheritance of the ſaid office for ſeuring the payment of the ſaid ſum of ten thouſand pounds, with interest for the ſame after the rate of five pounds and ten ſhillings per centum per annum to the ſaid Sir John Cutler, or his trustees herein named, at certain days and times therein mentioned, and long ſince paſt: and whereas by an act of parliament made in the eighth and ninth years of the reign of his late majesty King 3 & 9 Will. 3. William the Third, intituled, An act for the more effectual relief of creditors in caſes of escapes; and for preventing abuses in prisons and pretended privileged places; it was amongſt other things provided, That nothing in the ſaid act contained ſhould extend to prejudice, impeach, or leſſen any ſecurity or ſecurities for any ſum or ſums of money made or given by or out of the ſaid office of marshal of the Marshalsea of the court of King's Bench, or the profits thereof, by the ſaid William Lenthall to the ſaid Sir John Cutler, or to Edmund Boulter esquire, executor of the ſaid Sir John Cutler, or to any other person or persons in truſt for them, or either of them, or to ſubjeſt the ſaid office, or the profits thereof, or the perſon or persons in whom the ſame then were or ſhould be vested, to any of the forfeitures or penalties in the ſaid recited act contained, other than ſuch as they were or might be liable unto before the making of the ſaid act, until ſuch ſum or ſums of money as was or were ſecured by the aforeread mortgage ſhould be fully ſatisfied and paid, any thing in the

the said recited act contained to the contrary thereof notwithstanding; and in and by the said recited act, it was amongst other things enacted, That all and every depuration or depurations, grant or grants, at any time thentofore made or executed by the said William Lenthall of the said office of marshal of the Marshalsea of the said court of King's Bench, was and were thereby declared void and of none effect; and that every succeeding marshal should, from time to time, and at all times thereafter, be constituted and appointed by the said William Lenthall, his heirs and assigns, by and with the consent in writing under the hand and seal of the said Edmund Boulter, his executors, administrators and assigns, until the debt owing by the said William Lenthall to the said Edmund Boulter, as executor of the said Sir John Cutler, should be satisfied: and whereas by an account signed by the said William Lenthall, on or about the twenty sixth day of June one thousand seven hundred, there appeared to be then due from him, and secured by the said mortgage of the office aforesaid, the sum of twenty thousand four hundred and thirty eight pounds, ten shillings and six pence halfpenny: and whereas the said debt was afterwards assigned to Joseph Studley late of Saint Nicholas Lane, London, gentleman deceased; and the fee simple and inheritance of the office aforesaid by virtue of several mesne conveyances and assurances in the law, is now become vested in Ebenezer Blackwell of Lombard Street, London, goldsmith, in trust for the heirs of the said William Lenthall, and in trust that he the said Ebenezer Blackwell and his heirs shall and may, (as there shall be occasion, until the debt due on the aforesaid mortgage shall be satisfied) by and with the consent of the executors, administrators or assigns of the said Joseph Studley, testify in writing under their hands and seals, and not otherwise, constitute and appoint some person or persons to execute the office of marshal of the Marshalsea aforesaid, and with the like consent appoint such other officers as belong to the same office: and whereas the debt due on the said mortgage hath been since assigned to the several persons and in the several proportions hereinafter mentioned, (that is to say) to Thomas Martin of Clapham, in the county of Surrey, esquire, eight twentieth parts thereof; to John Martin of Overbury, in the county of Worcester, esquire, four twentieth parts thereof; to the said Thomas and John Martin, as executors of the will of Edward Bowman late of London, citizen and goldsmith, deceased, four twentieth parts thereof, upon the trusts in the said will mentioned; to John Langmore of Bow Lane, London, gentleman, as executor of the will of the said Joseph Studley, one twentieth part thereof; to the said John Langmore in his own right, one half of one twentieth part thereof; to Edward Birch of the parish of Saint Giles in the Fields, in the county of Middlesex, cordwainer, and Ann his wife, one half of one twentieth part thereof; and to the said Ebenezer Blackwell, two twentieth parts thereof: and whereas on the first day of February one thousand seven hundred and fifty three, there was due for principal and interest on the aforesaid mortgage, the sum of thirty thousand three hundred and ninety seven pounds, three shillings and three pence; and the proprietors of the said debt have agreed to accept the sum of ten thousand and five hundred.

dred pounds, as a compensation and in full ſatisfaction of and for the fame: and whereas the priſon of the Marſhalſea of the ſaid court of King's Bench is decayed by length of time, and ſo much out of re-pair, that the fame in its preſent condition is unsafe for the cuſtody, and dangerous to the health of the priſoners; which inconveniences cannot be remedied unless the priſon is rebuilt: and whereas the ſaid office of marſhal of the Marſhalſea aforſaid, is an office of great truſt and importance, and th<sup>e</sup> granting the fame in fee by King James the First, and the mortgaging the fame under ſuch grant, has been a very great obſtruction to the due exercise of the ſaid office, and detrimental to the authority and juſtiſion of his Maſtiffy's ſaid court of King's Bench, and to the ſafety of the priſoners committed to the aforſaid priſon, and injurious to the ſuitors of the ſaid court, who can not have any benefit of the aforſaid ſtatute made in the eighth and ninth years of the reign of his late maſtiffy King Williām the Third, until the debt due on the aforſaid mortgage þall be paſt and ſatiſfied: may it therefore pleaſe your moſt excellent Maſtiffy, that it may be enacted; and be it enacted by the King's moſt excellent maſtiffy, by and with the advice and conuenient of the lords spiritual and temporal and commons in this preſent parliament aſſembled, 10,500 l. to be paid to Thomas and John Martin, John Langmore, Edward Birch and Ebenezer Blackwell, their executors, administrators or affigns, in discharge of the mortgage on the office of marſhal of the Marſhalſea a- on the office foreſaid, upon their conveying, affigning and releasing unto his of marſhal of Maſtiffy, his heirs and successors, all their estate, right, title and intereſt, of, in and to the ſaid office, and the ſaid debt ſo due to them as aforſaid.

II. And it is hereby further enacted by the authority aforſaid, That from and immediately after the payment of the ſaid house, with sum of ten thouſand five hundred pounds to the ſaid Thomas Martin, John Martin, John Langmore, Edward Birch and Ebenezer Blackwell, the ſaid priſon of the Marſhalſea of the ſaid Marſhal, court of King's Bench, and the ſcīte thereof, and the ground and appurtenances thereunto belonging, and the power of granting the cuſtody of the ſaid priſon, and the office of marſhal of the Marſhalſea aforſaid, ſhall be re-veſted in his Maſtiffy, his heirs and successors, and ſhall for ever thereafter remain and be un-redeſptionable; ſubjeſt nevertheless to ſuch proviſo or condition for redeſption thereof, as herein after is mentioned, and also ſubjeſt to ſuch regulations and provisions, with regard to the ex-e-ecution of the ſaid office, and to the government of the ſaid priſon, as are herein after provided, enacted and declared.

III. Provided always, and it is hereby enacted and declared by the authority aforſaid, That if the heirs or affigns of the he- of William fore-named William Lenthall ſhall and do, on or before the Lenthall, ex-twenty abſenting a bill

in the exchequer, and obtaining a decree, and discharging the mortgage,

to re-possess the office.

Redemption not revived as to time.

John Ashton the present marshal continued.

After his death or removal, the King to appoint.

The marshal, his officers and prisoners, subject to the

twenty ninth day of September which shall be in the year one thousand seven hundred and fifty six, exhibit, or cause to be exhibited, a bill or bills in his Majesty's court of Exchequer at Westminster and shall obtain a decree thereupon for redemption of the said office, and shall pay into the receipt of his Majesty's exchequer at Westminster aforesaid, such sum or sums of money as by the said court of Exchequer they shall be ordered or decreed to pay in discharge of the said mortgage; then, and in such case, they shall and may repossess and enjoy the said office, in as full and ample manner as they lawfully might have done if this act had not been made; any thing herein contained to the contrary notwithstanding.

IV. Provided nevertheless, That nothing in this act contained shall give, or be construed to give, to the heirs or assigns of the said *William Lentball* any right or benefit of redemption of the said office, which by reason of the length of time, or otherwise, they would not have been intituled to if this act had not been made.

V. And it is hereby further enacted by the authority aforesaid, That from and after payment of the said sum of ten thousand five hundred pounds, *John Ashton* esquire, the present marshal of the *Marshalsea* aforesaid, shall continue to have, hold and enjoy the said office of marshal of the *Marshalsea* aforesaid, and all fees, perquisites, profits, privileges and advantages thereto belonging (subject nevertheless to the proviso for redemption herein before-mentioned) for and during so long time as he shall behave himself well in his said office, and shall be resident in the said prison, or within the rules thereof, and no longer: and after the death, resignation or removal from the said office of the said *John Ashton*, his Majesty, his heirs and successors, shall have full power and authority (subject nevertheless to the proviso for redemption herein before-mentioned) to nominate, constitute and appoint, by his or their letters patent, or by his or their sign manual, such person as his Majesty, his heirs and successors, shall think fit and proper, to be marshal of the *Marshalsea* aforesaid; and so, from time to time, to nominate, constitute and appoint the marshal of the *Marshalsea* aforesaid, when and as often as the said office shall become vacant by death, resignation or otherwise; and every such person so nominated, constituted or appointed marshal of the *Marshalsea* aforesaid, shall have, hold and enjoy the said office, and all fees, perquisites, profits, powers, privileges and advantages thereto belonging, for and during so long time as such marshal shall behave himself well in his said office, and shall be resident in the said prison, or within the rules thereof, and no longer; and all grants of the said office shall be made accordingly, or otherwise shall be void.

VI. And it is hereby further enacted and declared by the authority aforesaid, That the marshal of the *Marshalsea* aforesaid, and all inferior officers belonging to the said office of marshal, subject to the and the prisoners committed and to be committed to the prison afores-

aforesaid, shall, from time to time, and at all times hereafter, rules made in be regulated and governed by such rules and orders as have been, pursuance of or shall be for that purpose made and provided, in pursuance of <sup>2Geo.2.c.22.</sup> the directions of an act of parliament made in the second year of the reign of his present Majesty, intituled, *An act for the relief of debtors, with respect to the imprisonment of their persons*; and the said marshal, and the inferior officers aforesaid, shall accept and take such fees only as have been, or shall be appointed and settled in pursuance of the said last-mentioned act, and no other or greater fee or reward whatsoever.

No other fees  
to be taken,  
than what are  
thereby allow-  
ed.

VII. And it is hereby further enacted by the authority aforesaid, That from and after payment of the said sum of ten thousand five hundred pounds, the marshal of the *Marshalsea* aforesaid for the time being, shall have the nomination and appointment of all such inferior officers as now are belonging, or heretofore have usually belonged to the office of marshal of the *Marshalsea* aforesaid; and all inferior officers who shall be appointed in pursuance of this act, shall hold their several offices during so long time as they shall respectively behave themselves well therein, and no longer; and all grants of the said inferior offices shall be made accordingly, or otherwise shall be void.

The marshal  
to have the  
appointment  
of inferior of-  
ficers, &c.

VIII. Provided always, and it is hereby enacted and declared by the authority aforesaid, That as well the marshal of the *Marshalsea* aforesaid, as the inferior officers to be nominated and appointed in pursuance and by virtue of this act, shall be subject and liable to be amoved from their respective offices by order or rule of his Majesty's said court of *King's Bench*, in case of any such non-residence or other neglect of duty, or any such misbehaviour in their said offices respectively, as the said court of *King's Bench* shall think sufficient cause for such amoval, upon any complaint to be made against such marshal, or any such inferior officer, by motion or petition, in a summary way.

The marshal  
and inferior  
officers may  
be removed  
for neglect or  
misbehaviour.

IX. Provided also, and it is hereby enacted and declared by the authority aforesaid, That if any person, at any time after the payment of the said sum of ten thousand five hundred pounds, bargain or sell the said office of marshal of the *Marshalsea* aforesaid, or any inferior office thereto belonging, or any deputation of any such office or offices, or any part or parcel of any of them, or receive, have or take any money, fee, reward, or any other profit, directly or indirectly, or take any promise agreement, covenant, bond, or any assurance to receive or have any money, fee, reward, or other profit, directly or indirectly, for any such office or offices, or any deputation or deputations of any such office or offices, or for any part of any of them, or to the intent that any person should have, exercise or enjoy any such office or offices, or any deputation or deputations of any such office or offices, or any part of any of them, then all and every such person and persons who shall so bargain or sell any such office or offices, deputation or deputations, or who shall take any money, fee, reward or profit for any such office or offices, or any deputation or deputations of any of the said offices,

to forfeit their right in the offices, &c.

and the purchaser disabled to hold.

Persons who have purchased any inferior office from the mortgagees, and now in possession,

to hold the same giving security for the execution of such office,

and may assign the same with consent of the court, &c.

or any part of any of them, or who shall take any promise, covenant, bond or assurance for any money, reward or profit to be given for any such office or offices, or any deputation or deputations of any of the said offices, or any part of any of them, shall lose and forfeit all his and their right, interest and estate, which such person or persons, shall then have, of, in or to any of the said offices or deputations, or any part of any of them, of or in, or to the gift or nomination of any of the said offices or deputations, for which office or offices, deputation or deputations, or for any part of any of them, any such person or persons shall so make any bargain or sale, or take or receive any sum of money, fee, reward or profit, or any promise, covenant, bond or assurance to have or receive any fee, reward, money or profit; and that all and every person and persons who shall give or pay any sum of money, reward or fee, or shall make any promise, agreement, bond or assurance to give or pay any sum of money, reward or fee for any of the said offices, or for the deputation or deputations of any of the said offices, or any part of any of them, shall immediately, upon the same fee, money or reward being given or paid, or upon any such promise, covenant, bond or agreement being had or made for any fee, sum of money or reward to be paid as aforesaid, be adjudged, and is and are hereby declared to be a disabled person or persons in the law, to all intents and purposes, to have, occupy or enjoy the said office or offices, deputation or deputations, or any part of any of them, for which such person or persons shall so give or pay any sum of money, fee or reward, or make any promise, covenant, bond or other assurance to give or pay any sum of money, fee or reward whatsoever.

X. Provided nevertheless, and it is hereby enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend in any wise to prejudice any person who at any time heretofore hath purchased any inferior office or place belonging to the office of marshal of the *Marshalsea* aforesaid, of or from any person or persons claiming under the aforesaid mortgage of the twenty fourth day of *February* one thousand six hundred and eighty four, and who is now in possession of such office or place; but that every such person who hath so purchased any such inferior office as aforesaid, shall and may hold and enjoy the same in the same manner as he might have done, if this act had not been made; any thing herein before contained to the contrary notwithstanding; giving such security for the due execution of his office to the marshal of the *Marshalsea* for the time being, as his Majesty's court of *King's Bench* shall direct and appoint; and shall have power to sell or dispose of such office or place to any person who shall contract or agree for the purchase thereof; so as such sale or disposition be made by deed of assignment, or by words of assignment indorsed on the back of the grant of the said office or place, and be made with the approbation and consent of the said court of *King's Bench* (if in term time) or with the approbation and con-

*sent.*

sent of the lord chief justice, or any other of the justices of the said court for the time being, during any vacation; and every such purchaser shall by virtue of such assignment be seised and possessed of the said office for so long time as he shall well behave himself in the said office, but shall be amoveable in a summary way as aforesaid, and shall be subject to the regulations herein before-mentioned, and shall have no power to sell or dispose of the same; and shall give such security for the due execution of his office to the marshal of the *Marshalsea*, as the said lord chief justice, or any of the justices of the said court, shall direct and appoint.

XI. Provided also, and it is hereby enacted by the authority aforesaid, That the said *Ebenezer Blackwell*, as trustee for the heirs and assigns of the said *William Lenthall*, and the said *Thomas Martin* and *John Martin*, as executors and trustees named in the will of the said *Edward Bowman*, shall not be liable to any claim or demand whatsoever, either at law or in equity, which shall or may be made or claimed by the heirs or assigns of the said *William Lenthall*, or by any other person or persons claiming under him or them, or by any person or persons claiming under the will of the said *Edward Bowman*, for or in respect of any breach of trust or supposed breach of trust by the said *Ebenezer Blackwell*, *Thomas Martin* and *John Martin*, or any of them, in accepting such composition as herein before is mentioned, in lieu and satisfaction of and for the aforesaid debt, secured by the aforesaid mortgage of the office of marshal of the *Marshalsea* aforesaid, or by assigning, conveying or releasing all their or any of their estate, right, title and interest in the said office, in pursuance of this act, but they the said *Ebenezer Blackwell*, *Thomas Martin* and *John Martin*, and every of them, are and is and shall be, by virtue of this act, indemnified and saved harmless from all claims and demands whatsoever, of any person or persons whomsoever claiming or to claim by, from or under the said *William Lenthall* and *Edward Bowman*, or either of them, for or in respect of such composition as aforesaid, or for or in respect of such assignment, conveyance or release as aforesaid, or for any other act, deed, matter or thing whatsoever, which they the said *Ebenezer Blackwell*, *Thomas Martin* and *John Martin*, or any of them, shall do or cause to be done in pursuance of this act, or for the better carrying the same into execution.

XII. Provided also, and it is hereby enacted by the authority aforesaid, That it shall and may be lawful to and for the said *Thomas Martin* and *John Martin* to deduct and retain to themselves, out of the trust-monies which shall or may come to their hands by virtue of this act, a proportionable part of all such costs, charges and expences, as they shall have respectively sustained or been put unto, in relation to the said mortgage of the said office of marshal of the *Marshalsea* aforesaid.

XIII. And to the end that the suitors of the said court of King's Bench may have the full benefit of the aforesaid act of 8 W. 3. c. 27. Parliament of the eighth and ninth years of the reign of his said late

payment of  
10,500 l.

The marshal,  
&c. discharg-  
ed from pay-  
ment of any  
sum for hold-  
ing his office,  
from 12 Feb.  
1753.

7,800 l. to be  
issued for re-  
building the  
prison.

Bodies polit-  
ick, &c.  
empowered to  
sell lands, &c.  
for the com-  
modious re-  
building the  
prison.

late majesty King *William the Third*; it is hereby further enacted by the authority aforesaid, That from and immediately after payment of the said sum of ten thousand five hundred pounds, the herein before recited clauses of the said act shall be and are hereby repealed.

XIV. Provided always, and be it further enacted by the authority aforesaid, That the said *John Abston*, his heirs, executors, administrators and assigns, and all other person and persons whomsoever, shall be, and is, and are hereby exonerated, freed and discharged, from the payment of all or any sum or sums of money, to the said *Thomas Martin*, *John Martin*, *John Langmore*, *Edward Birch*, and *Ebenezer Blackwell*, their heirs, executors, administrators or assigns, or any of them, or to any other person or persons whomsoever, for *upon* account of holding, using or exercising the office of marshal of the *Marshalsea* aforesaid, from and after the twelfth day of *February* which was in the year of our Lord one thousand seven hundred and fifty three, by virtue of any lease, contract or other agreement whatsoever, any such lease, contract or agreement whatsoever, or any law, statute, usage, or other matter or thing to the contrary notwithstanding.

XV. And it is hereby further enacted by the authority aforesaid, That by and out of all or any of the aids or supplies granted to his Majesty for the service of the year one thousand seven hundred and fifty four, there shall and may be issued and applied any sum or sums of money, not exceeding the sum of seven thousand eight hundred pounds, for defraying the expence of rebuilding the said prison of the *Marshalsea* of the said court of *King's Bench*, in such manner, and at such place, within the rules of the said prison, as the commissioners of his Majesty's treasury now being, or any three or more of them, or the high treasurer, or the commissioners of his Majesty's treasury for the time being, or any three or more of them, shall direct, by writing under his or their hands.

XVI. *And whereas it may be necessary to purchase lands or tene-  
ments, for the more commodious rebuilding the aforesaid prison;* be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for all bodies politic, corporate or collegiate, and all trustees, mortgagees, and feoffees in trust, guardians of infants, and committees of lunaticks and ideots, executors and administrators whatsoever; and also to and for all feme covert, and all and every other person and persons whomsoever, who are or shall be seized, possessed of, or interested in, any lands or tenements, within the rules of the said prison, to bargain and sell the same to such person or persons, as the commissioners of his Majesty's treasury now being, or any three or more of them, or the high treasurer, or the commissioners of his Majesty's treasury for the time being, or any three or more of them, shall, by writing under his or their hands, appoint to contract for the purchase thereof, for the purpose aforesaid; and such lands and tenements so to be purchased, shall be conveyed

to his Maſteſty, his heirs and ſucceſſors, by deed or deeds, to be inrolled in his Maſteſty's court of *King's Bench* aforefaid; and all contracts, agreements and ſales, and all conveyances, by ſuch deeds inrolled as aforefaid, which ſhall be made by any ſuch bodies politick, corporate or collegiate, or other persons aforefaid, ſhall be valid and effectual to all intents and purposes; any law, ſtature or usage, or any other matter or thing to the contrary notwithstanding: and all and every ſum and ſums of mo-ney, which ſhall be paid to or for the uſe of any ſuch body politick, corporate or collegiate, or other person or persons aforefaid, for the purcaſe of any lands or tenements, for the purpoſes of this act, ſhall be reſpectively laid out and invested in the purcaſe of other lands, tenements and hereditaments, which shall be conveyed and ſold to and upon, and ſubject to ſuch titles, uſes, truſts, limitations, remainders and contingencies, as the lands and tenements, ſold for the purpoſe of this act, were ſet-tled, limited and auſſured, at the time of ſuch ſale, and ſhall be held and enjoyed accordingly; and until ſuch purcaſe-money ſhall be re-invested in lands as aforefaid, the ſame ſhall be laid out in the purcaſe of ſtocks in ſome of the publick funds, or placed out on government or real ſecuritiest at intereſt, and ſuch intereſt ſhall be paid to or for the uſe of ſuch person or persons, as would have been intituled to the rents and profits of the lands or tenements ſo ſold for the purpoſes of this act as aforefaid.

XVII. And it is hereby further declared and enacted by the authority aforefaid, That when ſuch paſon ſhall be rebuilt as aforefaid, the marthal of the *Marhalleſſor* aforefaid for the time be-ing, ſhall from time to time, and at all times from thenceforth, at his own coſts and charges, by and out of the fees and profits incident to his ſaid office, well and ſufficiently repair and keep in good repair the ſaid paſon, and all the buildings and appurte-nances thereunto belonging; and the ſaid paſon ſo rebuilt, and the buildings and ground thereto belonging with the appurte-nances, ſhall remain unalienably vested in his Maſteſty, his heirs and ſucceſſors for ever.

The pur-  
chafe-money  
to be laid out  
in the pur-  
chafe of other  
lands, to the  
ſame uſes.

Till ſuch pur-  
chases made,  
the money to  
be placed in  
the funds.

After the paſ-  
on ſhall be  
rebuilt, the  
marthal to  
keep the ſame  
in repair.

XVIII. Provided always, and be it further enacted by the authority aforefaid, That nothing in this act contained ſhall ex-tend, or be deemed, conſtruēd or taken to extend to alter, change, impeach or affect any eſtate, right, title or interest of, or claimed by the moſt noble *Thomas duke of Leeds*, his execu-tors, administrators or assigns, or which he or they can or may have or claim of, in or to all thoſe two meſſuages with the ap-purtenances, ſituate, lying and being in *Southwark* in the county of *Surrey*, whereof heretofore one was called *The Angl:*, and is now, or late was, called or known by the name of the *King's Bench*; and the other called *The Crane*; and all tenements, houses and gardens to the ſaid meſſuages, or either of them, be-longing or appertaining; and a picce of ground behind the ſaid garden, demifed by one *Richard Fulmarſton* by indenture dated the sixteenth day of *December* in the eight and thirtieth year of the reign of *Henry the eighth*, late King of *England*, to one *John Maffe,*

The right of  
the duke of  
Leeds not af-  
fected by this  
act.

*Masse*, for twenty one years, parcel of the lands and possessions then exchanged with the said *Richard Fulmarston*, and lately in the tenure of *George Reynells*, under the yearly rent of two and twenty pounds and ten shillings ; which said two messuages, and the said gardens, piece of ground, and premises thereto belonging, in and by certain letters patent under the seal of his Majesty's court of *Exchequer*, bearing date at *Westminster* the eleventh day of *March* in the twenty fourth year of his present Majesty's reign, were, among other things, demised and granted by his Majesty unto the said *Thomas duke of Leeds*, his executors, administrators and assigns, for and during the term of thirty one years, from the date of making the said letters patent.

## C A P. XVIII.

*An act to continue several laws for prohibiting the importation of books reprinted abroad, and first composed or written, and printed in Great Britain; for the free importation of cochineal or indico, and relating to rice, frauds in the customs, the clandestine running of goods, and to copper ore: and for the better encouragement of the making of sail cloth in Great Britain; and to authorize the payment of the bounty to Alexander Brown and others, upon a ship fitted out for the whale fishery, and lost in the Greenland seas; and for the more effectual payment of the bounties upon British made sail cloth to Robert Donald and others.*

WHEREAS the several laws herein after-mentioned have by experience been found useful and beneficial, and are near expiring; may it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That so much of an act made in the twelfth year of the reign of his present Majesty, intituled, *An act for prohibiting the importation of books reprinted abroad, and first composed or written, and printed in Great Britain; and for repealing so much of an act made in the eighth year of the reign of her late majesty Queen Anne, as impowers the limiting the prices of books*; which act was to continue in force from the twenty ninth day of September one thousand seven hundred and thirty nine, for the space of seven years, and from thence to the end of the then next session of parliament; and which by an act made in the twentieth year of his present Majesty's reign was further continued, from the expiration thereof, until the twenty ninth day of September one thousand seven hundred and fifty four, and from thence to the end of the then next session of parliament, as relates to the prohibiting the importation of books reprinted abroad, and first composed or written, and printed in Great Britain, shall be, and the same is hereby further continued,

Part of 12 Geo. 2. c. 36. continued by 23. Geo. 2. c. 47. further continued to 29 Sept. 1760.

nued, from the expiration thereof, until the twenty ninth day of September one thousand seven hundred and sixty, and from thence to the end of the then next ſeffion of parliament.

II. And be it further enacted by the authority aforesaid, <sup>7 Geo. 2. c. 18.</sup> That an act made in the seventh year of the reign of his present further conti-  
Majeſty, intituled, *An act for the revival of an act made in the  
thirteenth year of the reign of his late majeſty King George the First,* <sup>16 June 1760.</sup>  
intituled, *An act for the free importation of cochineal,* during  
the time therein limited, and also for the free importation of in-  
dico; which was to continue in force from the twenty fourth  
day of June one thousand seven hundred and thirty four, for the <sup>14 Geo. 2. c. 34.</sup>  
term of seven years, and from thence to the end of the then  
next ſeffion of parliament; and which by another act made in  
the fourteenth year of the reign of his present Majeſty was fur-  
ther continued, from the expiration thereof, until the first day <sup>20 Geo. 2. c. 47.</sup>  
of June one thousand seven hundred and forty seven, and from  
thence to the end of the then next ſeffion of parliament; and  
which by another act made in the twentieth year of the reign of  
his present Majeſty, was further continued, from the expiration  
thereof, until the first day of June one thousand seven hundred  
and fifty four, and from thence to the end of the then next ſeffion  
of parliament, ſhall be, and the fame is hereby further con-  
tinued, from the expiration thereof, until the twenty ninth day  
of September one thousand seven hundred and sixty, and from  
thence to the end of the then next ſeffion of parliament.

III. And be it further enacted by the authority aforesaid, <sup>5 Geo. 2. c. 28.</sup> That an act made in the third year of the reign of his present further conti-  
Majeſty, intituled, *An act for granting liberty to carry rice from his  
Majeſty's province of Carolina in America, directly to any part of* <sup>29 Sept. 1760.</sup>  
*Europe southward of Cape Finifterre, in ships built in, and belong-*  
*ing to Great Britain, and navigated according to law;* which was  
to be in force for five years from the twenty ninth day of Sep-  
tember one thousand seven hundred and thirty, and from thence <sup>8 Geo. 2. c. 19.</sup>  
to the end of the then next ſeffion of parliament; and also an  
act made in the eighth year of the reign of his present Majeſty,  
to continue the ſaid act from the expiration thereof, until the  
twenty ninth day of September one thousand seven hundred and  
forty two, and from thence to the end of the then next ſeffion of <sup>15 Geo. 2. c. 33.</sup>  
parliament; and to extend that liberty to his Majeſty's province  
of Georgia in America (which ſaid acts were, by an act made in  
the fifteenth and sixteenth years of the reign of his present Ma-  
jeſty, continued, from the expiration thereof, until the first day <sup>20 Geo. 2. c. 47.</sup>  
of June one thousand seven hundred and forty seven, and from  
thence to the end of the then next ſeffion of parliament) and  
which was by another act made in the twentieth year of the  
reign of his present Majeſty, further continued from the expi-  
ration thereof, until the first day of June one thousand seven <sup>8 & 9 Geo. 2.  
c. 32.</sup>  
hundred and fifty four, and from thence to the end of the then  
next ſeffion of parliament, ſhall be, and the fame is hereby fur-  
ther continued, from the expiration thereof, until the twenty  
ninth day of September one thousand seven hundred and六十,

and from thence to the end of the then next ſeffion of parliament.

Claues in 5  
Geo. 1. c. 11.  
further con-  
tinued to 29  
Sept. 1760.

IV. And be it further enacted by the authority aforesaid, That the ſeveral claues in an act made in the fifth year of the reign of his late Maſtety, intituled, *An act againſt clandestine running of uncuſtomed goods; and for the more eſſeſtual preventing of ſrauds relating to the cuſtoms*, relating to ſuch foreign goods, wares and merchandizes, as ſhall be taken at ſea, out of any ſhip or vessel, in order to be landed or put into any other ſhip or vessel or boat; and also relating to goods not reported and found after clearing ſhips; and whereby further remedies are provided againſt relanding goods prohibited to be worn in this kingdom, and foreign goods ſhipped out for parts beyond the ſeas; and also relating to the opening or altering the package of goods on board ſhips outward-bound; and also relating to hovering ſhips or vessels, of the burthen of fifty tons or under; and also concerning the bales or package in which coffee ſhall be exported; and also relating to rum imported in casks or veſſels, not containing twenty gallons at the leaſt; and also relating to certificate goods entered in order to be exported to *Ireland*, which were to have continuance for the term of three years, from the ſeveral times of the commencement thereof, and from thence to the end of the then next ſeffion of parliament respectively; and which by another act paſſed in the ninth year of his ſaid late Maſtety's reign, were continued, from the expiration of the ſeveral and reſpective terms therein mentioned, for the term of five years, and from thence to the end of the then next ſeffion of parliament; and which ſaid claues by an act made in the ſecond year of the reign of his preſent Maſtety, were further continued until the twenty ninth day of *September* one thouſand ſeven hundred and thirty four, and from thence to the end of the then next ſeffion of parliament; and by another act made in the eighth year of the reign of his preſent Maſtety, were further continued, from the expiration thereof, until the twenty ninth day of *September* one thouſand ſeven hundred and forty two, and from thence to the end of the then next ſeffion of parliament; and by another act made in the fifteenth and ſixteenth year of the reign of his preſent Maſtety, were further continued from the expiration thereof, until the first day of *June* one thouſand ſeven hundred and forty seven, and from thence to the end of the then next ſeffion of parliament; and which by another act made in the twentieth year of the reign of his preſent Maſtety, were further continued, from the expiration thereof, until the first day of *June* one thouſand ſeven hundred and fifty four, and from thence to the end of the then next ſeffion of parliament, ſhall be, and the ſame is hereby further continued, from the expiration thereof, until the twenty ninth day of *September* one thouſand ſeven hundred and fifty, and from thence to the end of the then next ſeffion of parliament.

V. And be it further enacted by the authority aforesaid, That an act made in the eighth year of the reign of his late Maſtety,

9 Geo. 1. c. 8

2 Geo. 2. c. 28.

8 Geo. 2. c. 21.

15 Geo. 2. c. 33.

20 Geo. 2. c. 47.

2 Geo. 1. c. 18.  
further conti-

intituled, *An act to prevent the clandestine running of goods, and the danger of infection thereby; and to prevent ships breaking their quarantine; and to ſubject copper ore of the production of the British plantations, to ſuch regulations as other enumerated commodities of the like production are ſubject*, which was to be in force for two years, from the twenty fifth day of *March*, one thousand ſeven hundred and twenty two, and from thence to the end of the then next session of parliament; and which by *Exception*.  
 several ſubsequent acts (except the clauses obliging all ships and vessels to perform quarantine) was to have further continuance to the first day of *June* one thousand ſeven hundred and forty seven, and from thence to the end of the then next session of parliament; and which by an act made in the twentieth year of the reign of his late Majesty, was intended to be further continued to the first day of *June* one thousand ſeven hundred and fifty four, but by miſtake, the year one thousand ſeven hundred and forty seven, was inserted therein, instead of the ſaid year 20 Geo. 2. c. 47.  
 one thouſand ſeven hundred and fifty four; and which by an act made in the twenty first year of the reign of his present Majesty, was further continued from the expiration thereof, until the first day of *June* one thousand ſeven hundred and fifty, and from thence to the end of the then next session of parliament, ſhall be, and the ſame is hereby further continued, from the expiration thereof, until the twenty ninth day of *September* one thouſand ſeven hundred and fifty, and from thence to the end of the then next session of parliament.  
 21 Geo. 2 c. 33.

VI. And be it further enacted by the authority aforesaid, 12 Ann. ft. 1.  
 That an act made in the twelfth year of the reign of her late c. 16. further majesty Queen Anne, intituled, *An act for the better encouragement continued to* of the making of ſailcloth in Great Britain, which was to continue in 29 Sept. 1760.  
 force for ſeven years, and from thence to the end of the then next session of parliament; and which was by an act made in 5 Geo. 1. c. 25.  
 the fifth year of his late Majesty's reign, further continued for the term of ſeven years, and from thence to the end of the then next session of parliament; and which by another act made in 10 Geo. 1. c. 17.  
 the tenth year of the reign of his ſaid late Majesty, was further continued for the term of ſeven years, and from thence to the end of the then next session of parliament; and which by another act made in the eighth year of the reign of his present Ma- 8Geo. 2. c. 18.  
 jesty, was further continued until the twenty fifth day of *March* one thouſand ſeven hundred and forty two, and from thence to the end of the then next session of parliament; and which by another act made in the fifteenth year of the reign of his present 15Geo. 2 c. 35.  
 Majesty, was further continued until the first day of *June* one thouſand ſeven hundred and forty seven, and from thence to the end of the then next session of parliament; and which by another act made in the twentieth year of the reign of his present 20Geo. 2 c. 45.  
 Majesty, was further continued, from the expiration thereof, until the first day of *June* one thouſand ſeven hundred and fifty four; and from thence to the end of the then next session of parliament; ſhall be, and the ſame is hereby further continued, from

6 Geo. 2. c. 33 from the expiration thereof, until the twenty ninth day of September one thousand seven hundred and sixty, and from thence to the end of the then next session of parliament.

VII. And whereas by two acts of parliament made in the sixth and twenty second years of the reign of his present Majesty, for the encouragement of the whale fishery carried on by his Majesty's British subjects, a bounty of forty shillings per ton, under certain regulations mentioned in the said acts, is to be paid by the receiver general of the customs, to the masters or owners of ships employed in the whale fishery in the Greenland Seas or Davis's Straights, on their return to this kingdom: and whereas Alexander Brown and George Steel, did, on the behalf of themselves and partners, fit out in the year one thousand seven hundred and fifty one, a ship called the Hopetoun, for the whale fishery in the Greenland Seas, in the manner prescribed and appointed by the said acts, and which said ship was actually employed in the said fishery, but was unavoidably lost in the said seas: be it therefore enacted by the authority aforesaid, That the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall be, and he or they are hereby empowered to direct, if he or they think fit, the payment of the bounties which the said Alexander Brown and George Steel, and their partners, would have been intituled to in case the said ship had returned to this kingdom; any thing in the said two several acts contained to the contrary notwithstanding.

VIII. And whereas several sums of money, amounting in the whole to the sum of one thousand three hundred and fifty eight pounds eleven shillings and ten pence are due to John Stevenson and company, and Robert Donald and company, for bounties upon British made sail cloth exported from that part of Great Britain called Scotland, on or before the first day of June one thousand seven hundred and fifty; which sums of money cannot, by reason of the insufficiency of the fund established for the payment of the said bounties, before the said first day of June one thousand seven hundred and fifty, be paid and discharged, unless some more effectual provision be made for that purpose; be it therefore enacted by the authority aforesaid, That the several and respective sums of money due to Robert Donald and company, and to John Stevenson and company, for bounties upon British made sail cloth exported on or before the first day of June one thousand seven hundred and fifty, amounting in the whole to the sum of one thousand three hundred and fifty eight pounds eleven shillings and ten pence, shall be, and the same are hereby charged upon, and shall be paid out of such parts of the old subsidy collected in that part of Great Britain called Scotland, as are applicable to the payment of incidents.

133581. 115.  
10d. to be  
paid to Ro-  
bert Donald  
and company,  
and to John  
Stevenson and  
company, out  
of the old  
subsidy in  
Scotland, ap-  
plicable to in-  
cidents.

## C A P. XIX.

*An act for discharging the corporation of the governor, bailiffs, and commonalty, of the company of conservators of the great level of the fens, commonly called Bedford Level, from a debt due to the duke of Bedford, and earl of Lincoln; and for enabling the proprietors of lands in the North Level, part of the said great level, to raise money to discharge the proportion of the said North Level in the debts of the said corporation; and for ascertaining and appropriating the taxes, to be laid on the said North Level; and for the more effectual draining and preserving the said North Level, and Rivers lands adjoining thereto in the manor of Crowland.*

**W**HEREAS by an *Act of parliament made and passed in the 15 Car. 2.*

*fifteenth year of the reign of his late majesty King Charles C. 17.*

*the Second, intituled, An act for settling the draining of the great*

*Law of Sewers  
in 6 Car 1.*

*level of the fens called Bedford Level, reciting, That Francis earl*

*of Bedford, according to a law of sewers made at King's Lynn in*

*the sixth year of the reign of his late majesty King Charles the First,*

*had undertaken the draining of the said great level therein mentioned*

*to be situate within the counties of Northampton, Norfolk, Suffolk,*

*Lincoln, Cambridge and Huntingdon, and the isle of Ely, and*

*therein particularly bounded and described; and that he was to have*

*for his recompence ninety five thousand acres of the ground within the*

*said level, with convenient highways and passages to the same, and*

*the new river, cuts and drains, to be made by the said earl and his*

*assigus, and the banks of the same, and the forelands in the inside of*

*the said banks, not to exceed sixty foot in breadth; and that William*

*earl of Bedford, son and heir of the said earl Francis, with divers*

*of his adventurers and participants, had proceeded in the compleating*

*and finishing the said works; but that the same could not be preserved*

*without constant care, great charge, and orderly government; it was*

*therefore (amongst other things) enacted, That the said William earl*

*of Bedford, and the adventurers and participants of the said earl*

*Francis, and earl William, or either of them, their heirs and assigus,*

*in such manner as therin after is contained, should be a body politick*

*and corporate in deed and name, and have succession for ever, by the*

*name of The governor, bailiffs, and commonalty, of the com-*

*pany of conservators of the great level of the fens, with power*

*to lay and levy taxes upon the said ninety five thousand acres only, for*

*support, maintenance and preservation of the said great level, and do*

*all other things in order to the support, maintenance and preservation*

*of the said great level and works made, and to be made, in such man-*

*ner as therein is mentioned; and taking notice, that by the said law of*

*sewers, twelve thousand acres, parcel of the said ninety five thousand*

*acres, were designed and intended to his said late majesty King Charles*

*the First, and had been set forth and allotted by bounds in severality;*

*and that his said late Majesty had granted two thousand acres, part*

*thereof,*

Anno vicesimo septimo GEORGII II. C. 19. [1754.]

thereof, to Jerome earl of Portland, his heirs and assigns; and that the said earl had sold about one thousand five hundred acres, part of the said two thousand acres, to several persons, and had conveyed the remaining five hundred acres to Benjamin Welton esquire, on several trusts; it was thereby further enacted, that the said two thousand acres, or such other lands of equal value, as should be set forth in exchange of the same, should be and were thereby vested, settled, and established in the said several persons, their heirs and assigns respectively, to whom the said earl of Portland had conveyed the same, to be held of the King's majesty, his heirs and successors of the manor of East Greenwich, by fealty only, in free and common socage, subject nevertheless with the residue of the said ninety five thousand acres, in equal proportion to all taxes and charges necessary and conducing to the preservation of the said great level from overflowing; and it was thereby further enacted, That the eighty three thousand acres, remainder of the said ninety five thousand acres, with the said ~~new~~ <sup>new</sup> passages, new rivers, cuts, drains, banks and forelands, over and above the said ten thousand acres, residue of the said twelve thousand acres, which were allotted in severality, and of which his said late Majesty was in possession, were thereby vested and settled in the said governor, bailiffs and commonalty, and their successors, in trust for the said William earl of Bedford, and the adventurers and participants of the said earl Francis and earl William, or either of them, their heirs and assigns, in such manner as is therein after limited and provided, and according to such parts and proportions as they respectively then held and enjoyed, or by virtue of the said act ought to hold and enjoy, subject and liable likewise to the payment of all taxes and charges as aforesaid, to be held of the King's majesty, his heirs and successors, of the manor of East Greenwich, by fealty, in free and common socage; and the said ten thousand acres were thereby vested in his then present Majesty, and his assigns, subject and liable with the residue of the said ninety five thousand acres, to the same taxes and charges before specified; and it is hereby further enacted That the said governor, bailiffs and conservators of the said corporation for the time being, or any five or more of them, whereof the said governor or bailiffs, or their successors or any of them, to be two, for maintenance and preservation of the said great level, by convenient outfalls to the sea, should for ever thereafter be, and were hereby made and constituted commissioners of sewers for and of the said great level of the fens; and the said governor, bailiffs and conservators, or any five or more of them, whereof the said governor or bailiffs, and their successors, or any of them, to be two, are thereby enabled and empowered from thenceforth, to use and exercise the power and authority of commissioners of sewers, within the said great level of the fens, and of the works made and to be made without the said great level, for conveying the waters of the said great level, by convenient outfalls to the sea, in such manner and with such other powers, jurisdictions and authorities, as are therein mentioned and contained: and whereas

<sup>20</sup> Car. 2. c. 8. by another act of parliament made and passed in the twentieth year of his said late majesty King Charles the Second, intituled, An act for the taxing and assessing of the lands of the adventurers within the great level of the fens, after reciting in part the last recited act, and that the way therein mentioned of raising draining-taxes upon the said ninety five thousand acres, by an equal acre-rate, had been found inconvenient, it was enacted, That all taxes thereafter to be set and imposed for the maintenance and preservation of the said great level, should be from time to time assessed and taxed by the said governor, bailiffs and conservators, or their successors, or any five or more of them, whereof the said governor and bailiffs for the time being,

being, or any of them to be two, upon the ſaid eighty three thouſand acres, part and parcel of the ſaid ninety five thouſand acres, by a gradual acre-tax of diſtinct sorts and values of lands, to be received, paid and levied, by ſuch ways and means, as in the ſaid recited act are provided; and that the ſaid eighty three thouſand acres, for raiſing taxes for ſupport and maintenance of the great level, ſhould not be rated or aſſeffed otherwife or in any other manner than according to a gradual acre-tax of diſtinct sorts and degrees, and according to the reſpective values and rates thereby ſet and rated, and to be ſet and rated, as is iberein after appointed: and it was thereby further enacted, That when and ſo often as the ſum of ſix thouſand one hundred and ten pounds, ſeven ſhillings, and one penny halfpenny, ſhould be taxed and aſſeffed upon the ſaid ninety five thouſand acres; that then the ſaid twelve thouſand acre, ſhould be rated and aſſeffed at fifteen pence the acre, and according to the proportion, for the raiſing of any greater or leſſer ſum than ſix thouſand one hundred and ten pounds, ſeven ſhillings, and one penny halfpenny, to be received, paid, and levied, together with penalties, in ſuch and the like manner, as the taxes ſet and imposed, or to be ſet and imposed, upon the ſaid eighty three thouſand acres, are thereby provided for to be received, paid, and levied: and to the end that the ſaid eighty three thouſand acres might be more equally rated by a gradual acre-tax, not under the number of ſeven sorts, it was thereby further enacted, That certain perſons in the fame act named, or any three or more of them, were thereby conſtituted and appointed to be ſurveyors and valuers of the ſaid eighty three thouſand acres, and were within the time therein limited, to digeſt the ſaid eighty three thouſand acres into ſuch number of ſorts or degrees of land, not under the number of ſeven ſorts and degrees, and to rate and tax ſuch degrees, and digeſt the ſame into ſchedules in writing, and make returns thereof, upon their oaths, into the fen-office, in ſuch manner as in and by the ſaid act is mentioned and directed: and whereas the several perſons by the ſaid laſt recited act appointed to be ſurveyors or valuers, valued and ſet out the ſaid eighty three thouſand acres, according to the direcſions thereby given, into eleven diſtinct ſorts or degrees of land, to be rated and taxed in manner following; that is to ſay, for a ſingle tax, four pence per acre on the first ſort of land; eight pence per acre on the ſecond ſort; and ſo increasing four pence upon every ſort; the eleventh ſort to be taxed at three ſhillings and eight pence; and all greater or leſſer ſums which the ſaid corporation ſhould have occaſion to raiſe, were to be rated and aſſeffed in the like proportions; which valuations of the ſaid ſurveyors were returned by them into the fen-office, as by the ſaid laſt-mentioned act was directed; and the ſaid eighty three thouſand acres have always ſince been taxed according to the degrees and proportions thereby ſet out and allotted, calling a tax of four pence on the first ſort of land, and increasing on the ten other ſorts in manner aforesaid, a ſingle tax; five pence a tax and quarter; six pence a tax and half; ſeven pence a tax and three quarters; and eight pence a double tax; and whereas at a court of the ſaid corporation, held the tenth day of March one thouſand ſix hundred and and ninety seven, the ſaid corporation, declared that the ſaid great level ſhould be diſtinguished by the ſeveral names of the North Level, Middle Level, and South Level; and that all that part of the ſaid ninety five thouſand acres, which lay between the north ſide of Moreton's Leame, and the ſouth ſide of Welland River, ſhould be accounted that part of the ninety-five thouſand acres lying within the North Level: and whereas the ſaid corporation, in order to ſupport and preserve the ſeveral works for draining the ſaid great level, were obliged to borrow ſeveral ſums of money on bonds, under their common ſeal: and by that means, at Lady-Day one thouſand feuen hundred

Court of cor  
poration held  
10 March,  
1697.

Debt of the  
corporation  
at Lady-Day,  
1728.

bundred and twenty eight, had contracted debts, amounting in the whole, to the principal sum of seventeen thousand one hundred and fifty pounds; and some new works being necessary for better draining the said North Level, part of the said great level, by indenture bearing date the twenty ninth day of May one thousand seven hundred and twenty eight, and made or mentioned to be made, between the governor, bailiffs, and commonalty, of the company of conservators of the said great level of the fens, of the one part, and the most noble William duke of Devonshire, guardian of the most noble Wriothesley then duke of Bedford, a minor, and the right honourable Henry then earl of Lincoln, of the other part; after reciting the said act of the fifteenth year of his late majesty King Charles the Second; and that the said great level of the fens was then distinguished by the several names of the North Level, the Middle Level, and the South Level; and that such part of the said great level, as was distinguished by the name of the North Level, did contain about forty thousand acres of land, of which there were about eleven thousand six hundred acres of land, subject to the said taxes and that the said duke of Bedford and earl of Lincoln were owners or proprietors of great part thereof; and further reciting, That the said duke of Devonshire, as guardian of the said duke of Bedford, and the said earl of Lincoln, for the preservation of the respective estates of the said duke of Bedford and earl of Lincoln, in the said North Level, did in the then last summer, actually lay out and expend the sum of three thousand four hundred pounds, the monies of the said duke of Bedford and earl of Lincoln, in proportion to their said respective estates, in regaining and keeping open the outfall for the waters of the said North Level to sea, and in doing several other necessary and material works, which had tended greatly towards the draining and preservation of all the estates in the said North Level; but by reason of the many and frequent floods which had of late years happened, and the insufficiency of the banks and works of the said North Level to resist the same, and particularly by reason of the weakness and lowness of the bank on the no<sup>n</sup> side Moreton's Leane Wash, next the said North Level, the greatest part of the lands within the said level had then lately been, and were subject to be drowned, so that little or no profit could be made thereof, nor could the said North Level be effectually drained or secured for the future, unless the said north bank was to be enlarged and strengthened; and therefore the said governor, bailiffs, and commonalty, had resolved to make a canal in the said wash, and other works there, for strengthening and enlarging the said north bank, the charge of all which would amount at least to six thousand six hundred pounds; and further reciting, That the said duke of Devonshire, on the said duke of Bedford's behalf, and with his consent, and the said earl of Lincoln, at the request of the said governor, bailiffs, and commonalty had agreed to advance the said six thousand six hundred pounds, for the purposes aforesaid, in proportion to their said respective estates in the said North Level; and that the said governor, bailiffs, and commonalty, had agreed that the taxes, revenues, and rents, annually laid, and arising upon and out of the lands in the said North Level only, should be made a security for repayment as well of the said three thousand four hundred pounds, then already laid out, as for the said six thousand six hundred pounds to be laid out, and interest at the rate of four pound per centum per annum; and were desirous and had proposed, that the said duke of Devonshire, and earl of Lincoln, should have not only the direction and disposal of the said six thousand six hundred pounds, in making the said canal and other new works, but also that the said duke of Devonshire, and earl of Lincoln, during the minority of the said duke of Bedford, and afterwards the said duke of Bedford, and earl

of Lincoln, their respective heirs and assigns, should have the direction, disposal, and management, of the said taxes, revenues, and rents, of the said North Level, to be by them employed and disposed in and about the repairing and maintaining the works of the said North Level, and making and supporting such other works, as should be necessary or conducing to the effectual draining, securing, and preserving, of the said North Level; and for and towards the payment of the said principal sums of three thousand four hundred pounds, and six thousand six hundred pounds, with interest as aforesaid, until the said principal sums of three thousand four hundred pounds, and six thousand six hundred pounds, and interest, should be fully paid and satisfied; it is witness, That in consideration of the premisses, and for securing the repayment of the said several sums of three thousand four hundred pounds, and six thousand six hundred pounds, and interest as aforesaid, and for the better enabling the said dukes of Devonshire and Bedford, and the said earl of Lincoln, to complete their good designs of effectually draining, securing, and preserving the said North Level, by making the said canal and other works, which the said governor, bailiffs, and commonalty, were sensible would be of great benefit and advantage to all the estates in the same level; they the said governor, bailiffs, and commonalty, for themselves and their successors, did covenant and agree, to and with the said dukes of Devonshire and Bedford, and the said earl of Lincoln respectively, and their respective heirs and assigns, that it should and might be lawful to and for the said duke of Devonshire, and earl of Lincoln, their agents or servants, duly authorized, during the minority of the said duke of Bedford, and after the said duke of Bedford should have attained his age of twenty one years, and should have confirmed that agreement, for the said duke of Bedford and earl of Lincoln, their respective heirs and assigns, their agents or servants, duly authorized, without the interruption or denial of the said governor, bailiffs, and commonalty, or their successors, to ask for and demand, have, receive, and take, of and from the receiver general for the time being of the said corporation yearly, and every year, as the same should become due, and be paid to the said receiver general, so much and such part of the said taxes, to be annually laid on the said ninety five thousand acres, as should be the share and proportion, of the lands within the said North Level liable thereto, together with all other the rents and revenues whatsoever of the said governor, bailiffs, and commonalty, in the said North Level, including the share and proportion of the taxes laid upon the lands within the said North Level for that present year, and the said rents and revenues due and payable for the same time: and it was thereby declared and agreed, That the yearly sum of one hundred pounds, payable by the heirs or assigns of Sir Charles Orby deceased, to the said governor, bailiffs, and commonalty, and their successors, should be esteemed and taken as part of the said revenue arising within the said North Level; and the said governor, bailiffs, and commonalty, did thereby authorize, empower, and require the said receiver general for the time being, to pay yearly and every year, as the same should become due and be paid to him, all the said taxes, rents, and revenues of the said North level; unto the said dukes of Devonshire and Bedford, and earl of Lincoln respectively their

their respective heirs and assigns, or their servants or agents, without any further or other warrant to be had from the said governor, bailiffs, and commonalty for that purpose: provided, That the said receiver general for the time being, should retain and keep so much of the said taxes, rents, and revenues of the said North Level, as should be sufficient to satisfy and discharge the yearly interest of the principal sum of two thousand pounds, thentofore taken up upon the common seal of the said corporation for the service of the said level, until the principal sum of two thousand pounds should be paid off and discharged: and it was thereby declared and agreed, That the said taxes, rents, and revenues, so to be paid to the said dukes of Devonshire and Bedford, and earl of Lincoln respectively, their heirs or assigns, should be retained, employed, applied, and disposed of, in the first place, for repairing and maintaining all the works of the said North Level, and making and supporting such other works as should be necessary or conducing to the effectual draining and preservation of the same level, and then for paying and satisfying to the said dukes of Devonshire and Bedford, and earl of Lincoln, their respective executors, administrators, and assigns, according to their respective proportions and shares, interest after the rate of four pounds per centum per annum, for the said several sums of three thousand four hundred pounds, and six thousand six hundred pounds; and then to take, retain, and keep the surplus money for and towards paying off and sinking the said sums of three thousand four hundred pounds, and six thousand six hundred pounds, in such proportions, and by such payments, as should be reasonable and convenient, until the same should be fully paid off and satisfied: and whereas the said duke of Bedford, or the said duke of Devonshire as his guardian, and the said earl of Lincoln, laid out and expended the said sum of six thousand six hundred pounds in pursuance of the said agreement, in the works therein mentioned, and by virtue of, and under the said agreement, the said duke of Bedford and earl of Lincoln, and their representatives have ever since continued in the receipt of the taxes, rents, and revenues of the said North Level; but have been obliged to apply the greatest part thereof for and towards the several works for draining and preserving the said North Level; so that at Lady-day one thousand seven hundred and fifty three, the sum of eighteen thousand nine hundred and thirteen pounds eleven shillings and nine pence, was due for principal and interest of the said several sums of three thousand four hundred pounds, and six thousand six hundred pounds; five sixth parts whereof is due and owing to the most noble John now duke of Bedford, as executor of the last will of the said Wriothesley late duke of Bedford; and the remaining sixth part thereof is due and owing to the right honorable Henry earl of Lincoln, as administrator of the said Henry late earl of Lincoln: and whereas the sum of two thousand eight hundred and fifty pounds, part of the debt owing by the said corporation at Lady-day one thousand seven hundred and twenty eight, was due and owing to the said Wriothesley late duke of Bedford, who afterwards, in and by his last will and testament, forgave and discharged the same which reduced the debt contracted by the said corporation, before the said year one thousand seven hundred and twenty eight, to fourteen thousand three hundred pounds: and whereas ever-

since

since the making and executing the said recited agreement, the said dykes of Bedford and earls of Lincoln have supported and maintained the works, banks, and drains of the said North Level, and the said corporation have not been at any charge or expence in or about the same, but the said corporation have since the said year one thousand seven hundred and twenty eight, borrowed several large sums of money on bonds, under their common seal, to the amount in the whole of fifteen thousand nine hundred and forty pounds; all which has been by them laid out and expended in and about the said Middle and South Levels, and for supporting and preserving the banks, drains, and works thereof, so that the said corporation is now indebted in the several sums of money following, that is to say, In the said sum of fourteen thousand three hundred pounds, contracted before the said year one thousand seven hundred and twenty eight, for or on account of the whole of the said Great Level; the said sum of eighteen thousand nine hundred and thirteen pounds eleven shillings and nine pence, contracted since the said year one thousand seven hundred and twenty eight, for or on account of and particularly charged upon the said North Level; and the said sum of fifteen thousand nine hundred and forty pounds, contracted since the said year one thousand seven hundred and twenty eight, for or on account of the said Middle and South Levels, amounting together to forty nine thousand one hundred and fifty three pounds eleven shillings and nine pence: and whereas it has been found by experience that the taxes, revenues, and rents arising and payable to the said corporation out of the said North Level are not near sufficient to pay off and discharge the said debt particularly charged thereon, and to defray the charges and expences of maintaining, supporting, and keeping in repair the several works for draining thereof; and notwithstanding the greatest part of the revenues of the said North Level have ever since the said year one thousand seven hundred and twenty eight, been laid out in and about the same, the several banks, rivers, sewers, and works of the same level, are become so greatly decayed and ruinous, that great part of the lands in the same level have lately been very frequently flooded, and unless some immediate remedy be applied, will become entirely drowned and of little or no value: and whereas the lands called Portland otherwise Great Portland, parcel of the demesnes belonging to and lying within the manor of Crowland in South Holland, in the county of Lincoln, herein after particularly bounded and described, are subject also to be frequently flooded, and cannot be effectually drained and preserved, without a large expence: and whereas the said lands called Portland otherwise Great Portland, adjoin to the said North Level, on the north part thereof, and lie convenient to be drained therewith, and it will be for the mutual benefit and advantage of the proprietors or owners thereof, and of the proprietors or owners of the lands within the said North Level, to join in one common drainage, and in order thereto, the proprietors or owners of the said manor of Crowland, and lands called Portland, otherwise Great Portland, and the proprietors or owners of the greatest part of the lands, within the said North Level, are willing and desirous that a sufficient sum of money for the effectual draining of all the said lands, shall be raised by a tax upon all the said lands, to be ordered, governed, and disposed of, in such manner as

Anno vicesimo septimo GEORGII II. C. 19. [1754:

herein after is mentioned; provided that the said North Level be discharged from the debts of the said corporation; and that all the taxes, rents, and revenues, which shall hereafter arise and become payable to the said corporation, out of the said North Level, be applied under the direction of the said corporation, for the benefit of the said North Level only, in such manner as herein after is mentioned: and whereas the taxes, rents, and revenues, arising and payable to the said corporation, out of the said North Level, are about one eighth part of the taxes, rents, and revenues arising and payable to the said corporation, out of the whole of the said great level of the fens, and therefore the said North Level is subject and liable to raise and pay one eighth part of the said debt of fourteen thousand three hundred pounds, which was contracted by the said corporation, before the said year one thousand seven hundred and twenty eight, on account of the whole of the said great level of the fens, and in order to raise money to pay off and discharge the same, it has been proposed that so much of the taxes charged on the corporation lands within the said North Level, by virtue of, or under the said recited act of the fifteenth of King Charles the Second, shall be sold in such manner as herein after is mentioned, as shall raise a sufficient sum of money for that purpose: and whereas the said John duke of Bedford, and Henry earl of Lincoln, being desirous to promote so good and beneficial an undertaking, have consented and are willing to exonerate and discharge the said corporation, of and from the said debt of eighteen thousand nine hundred and thirteen pounds eleven shillings and nine pence, and to yield up and surrender all the taxes, rents, and revenues of the said North Level, which they are intitled to receive, by virtue of and under the said recited agreement, and to release and discharge all their right, title, and interest in and to the same, on condition that the taxes, rents, and revenues of the said Middle and South Levels, be for the future only chargeable with the residue of the said debt of fourteen thousand three hundred pounds, contracted before the said year one thousand seven hundred and twenty eight, and with the said debt of fifteen thousand nine hundred and forty pounds contracted on account of the said Middle and South Levels, since the said year one thousand seven hundred and twenty eight; and that the said North Level, and the taxes, rents, and revenues thereof, be fully and absolutely discharged of and from all the debts of the said corporation, and every part thereof: and whereas at a court of the said governor, bailiffs, and commonalty of the company of conservators of the great level of the fens, held at the fen-office, on Saturday the twenty fourth day of February one thousand seven hundred and fifty three, a plan according to the said proposals, and for effecting and carrying the said undertaking into execution, in such manner as herein after is mentioned, was laid before the said court, and the said court thereupon came to the following resolutions, videlicet; that it appearing to the board that the debt due from this corporation, in the year one thousand seven hundred and twenty eight, was fourteen thousand three hundred pounds; and that the taxes upon all the three levels, at a tax and a quarter, amount to six thousand three hundred and fourteen pounds three shillings and eleven pence halfpenny, of which the tax arising from the North Level is seven hundred and seventy seven pounds three shillings and

~~four pence halfpenny, being about one eighth part, it is the opinion of this board that if his grace the duke of Bedford and lord Lincoln remit the debt of about nineteen thousand pounds, which is due to them under the agreements made with them by this corporation, in one thousand seven hundred and twenty eight, for draining the North Level, and the proprietors of the North Level will pay one thousand eight hundred pounds, as their proportion of the said debt of fourteen thousand three hundred pounds, it will be for the interest of the other two levels, for this corporation to consent that the lands of the North Level be exonerated from the payment of the remainder of the said debt, and the subsequent debts of the corporation, by the act of parliament intended to be applied for, for the better draining of that level: and the remaining part of the said plan being read, the board resolved, That the same did not in any wise appear to be prejudicial to either of the levels belonging to the said corporation, and therefore they did approve thereof: and whereas the said corporation, and the creditors of the said corporation, and the proprietors of the greatest part of the taxable lands within the said Middle and South Levels, having seen and considered the said proposals, approve thereof, and are willing and consenting that the same should be carried into execution: and whereas the effectual draining and preserving the said North Level, and the said lands within the manor of Crowland, which contain together about forty eight thousand acres, would be of great benefit and advantage to the several proprietors thereof, and of service to the publick in general; and if the proposals and agreements before-mentioned are carried into execution, it is apprehended and believed that the same may be effectually drained and preserved; but in regard the same cannot be effected, or the money necessary for that purpose raised, without the aid and authority of parliament; be it therefore enacted, &c.~~

The corporation of conservators of Bedford Level, discharged from the debt of 18,913 l. 11 s. 9 d. due to John duke of Bedford and Henry earl of Lincoln; and the indenture of 29 May 1728, declared void. The executors of Sir Charles Orby, and Thomas Orby Hunter, discharged from payment of the annual sum of 100 l. to the company, and from all covenants in the articles of 10 July 1697. Proprietors of taxable lands within the North Level, may purchase off so much of the taxes chargeable thereon, by the acts 15 & 20 Car. 2. as will raise the sum of 1,800 l. and enter subscriptions for the same, before 24 June 1754. Payment thereof to be made by 29 September 1754; and to be applied in discharging the debt: company to execute releases of the taxes to the purchasers. The taxes chargeable by acts 15 & 20 Car. 2. to be continued on the residue of the lands, and to be applied in the works of the level herein mentioned. The lands of the North Level discharged from the residue of the debt of 14,300 l. and from the debt of 15,940 l. and all other debts now owing. The North Level not liable to debts, on account of the Middle and South Levels; nor they to be subject to debts on account of the North Level. Members for lands in the North Level, not to vote concerning borrowing money for the Middle and South Levels. The lands to be drained, to be divided into districts. Commissioners appointed for the several districts. Commissioners to have an yearly general meeting, to make a rate for draining on all lands not herein excepted: for the first four years at 1 s. per acre, after not to exceed 6 d. per acre, in any year, to be paid half-yearly. The dam to be made in the Old Wrye drain, not to be afterwards removed, &c. The Counter Drain from the Severals, to be cleanse-

ed at the proprietors charge. If Dunton Hall Bridge be taken down, or altered, the commissioners to build another. Besides the rate for general works of draining, the commissioners of the fourth district may make another rate, not exceeding 1 s. per acre for the first two years, and 1 s. per acre after. The commissioners of the first and second districts may also make a like rate, not exceeding 1 s. per acre. Differences concerning damages to be settled by the quarter lessions. The duke of Bedford to cleanse and support the drains and other works in the third district. Thomas Orby Hunter to cleanse and support the drains and other works in the fifth district. Beverley Butler may erect a mill for draining the waters from the ground belonging to him. Tenants to pay the rates, and such as are at rack rent may deduct the same. If the lands shall be untenanted, and no distreis can be had, the lands to remain as a security for the rates. 14,000l. may be raised by annuities, to answer the immediate expences of draining. Annuities for 30 years not to exceed 6 l. and for a single life 7 l. per cent. to be charged on the rates, commissioners may borrow money at 5 l. per cent. When the annuities shall be determined the rates may be reduced. Collectors or treasurers refusing to account or pay over the monies in their hands, to be committed.

Persons convicted of maliciously destroying or damaging any of the works, to suffer death;

and convicted of stopping up, &c. any river or drain,

to forfeit 100l.

**XLIX.** And for the preventing and damming up, stopping, throwing down, burning, demolishing, destroying or damaging, any of the rivers, drains, watercourses, banks, mills, engines, flood-gates, sluices, doors, dams, bridges, or other works already made or erected for or towards draining the lands and grounds contained within the said several districts and divisions, or any of them, or hereafter to be made, erected, supported, or maintained, for the purposes aforesaid, by virtue of, or under the powers and authoritics of this act; it is hereby enacted by the authority aforesaid, That if any person or persons shall at any time hereafter maliciously cut, break down, burn, demolish, or destroy, any bank, mill, engine, flood-gate, or sluice, already made or erected, or which shall at any time hereafter be making or erecting, or made or erected, supported or maintained, for answering the purposes aforesaid, every person or persons so offending, being thereof convicted, shall be guilty of felony, and shall suffer death as felons, without benefit of clergy: and if any person or persons shall at any time hereafter maliciously stop, dam up, demolish, damage, or destroy, any river, drain, watercourse, door, dam, bridge, or other work or works already made or erected, or which shall at any time hereafter be making or erecting or made or erected, supported or maintained, for answering the purposes aforesaid, every person or persons so offending, being thereof convicted before any two or more justices of the peace for the countys and isle aforesaid, or either of them, who are hereby required to hear and determine the same, on the oath of two or more credible witnesses, shall forfeit the sum of one hundred pounds to the said commissioners, their successors, heirs, or assigns, to be applied for the respective purposes to which the said rates and taxes are hereby directed to be respectively applied; and in default of payment thereof, the person or persons so offending shall be sent to the house of correction of the county or isle, where such offence shall be committed, there to be kept to hard labour for such time.

1754.] Anno vicesimo septimo GEORGII II. c. 20.

213

time, as such justices shall order and direct, not exceeding six months.

Commissioners to maintain the banks of Shire Drain, and the sluices at Clows Crois. In case the banks of Shire Drain shall be broken or over-flowed, the floodgates at Clows Crois to be shut down. Commissioners not to exercise any other power over Shire Drain, or Old South Eau river, than the conservators have a right to use. Conservators not to exercise any power over the commissioners, or the works, other than over the works put under their particular care. New commissioners to be elected in the room of such as shall die or be disqualified. Rights of lords of manors reserved, and of the conservators and others.

### A P. XX.

*An act for the more easy and effectual proceeding upon distresses to be made by warrants of justices of the peace.*

WHEREAS by many acts of parliament, justices of the peace are empowered to issue warrants for the distress and sale of goods and chattles, but the charges of distraining, keeping, and sale of such goods and chattles are not provided for in all the said acts, nor is there a time in all cases limited for the sale thereof, whereby inconveniences have arisen: therefore for remedy thereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That in all cases where any justice or justices of the peace, is or are, or shall be, required or empowered by any act in their act or acts of parliament now in force, or hereafter to be made, to issue a warrant of distress for the levying of any penalty inflicted, or any sum of money directed to be paid, by or in consequence of such act or acts, it shall and may be lawful for the justice or justices granting such warrant, therein to order and direct the goods and chattles so to be distrained, to be sold and disposed of, within a certain time to be limited in such warrant, so as such time be not less than four days, nor more than eight days, unless the penalty or sum of money for which such distress shall be made, together with the reasonable charges of taking and keeping such distress, be sooner paid.

II. And be it further enacted, That the officer making such distress, shall and is hereby empowered to deduct the reasonable charges of taking, keeping, and selling such distress, out of the money arising by such sale; and the overplus (if any) after such charges, and also the said penalty or sum of money shall be fully satisfied and paid, shall be returned on demand to the owner of the goods and chattles so distrained; and the officer executing such warrant, if required, shall shew the same to the person whose goods and chattles are distrained, and shall suffer a copy thereof to be taken.

III. Provided always, That nothing herein contained shall extend or be construed to extend, to alter or repeal any of the provisions or directions relating to distresses to be made for the payment of tythes and church rates, by the people called Quakers,

## Anno vicesimo septimo GEORGII II. C. 21,--28. [1754.]

*kers, contained in an act passed in the seventh and eighth years of his late majesty King William the Third, intituled, An act that the solemn affirmation and declaration of the people called Quakers shall be accepted instead of an oath, in the usual form; or in one other act passed in the first year of his late majesty King George the First, intituled, An act for making perpetual an act of the seventh and eighth years of the reign of his late majesty King William the Third, intituled, An act that the solemn affirmation and declaration of the people called Quakers shall be accepted instead of an oath in the usual form; and for explaining and enforcing the said act in relation to the payment of tythes and church rates; and for appointing the form of an affirmation to be taken by the said people called Quakers instead of the oath of abjuration.*

## C A P. XXI.

An act to continue and render more effectual an act passed in the thirteenth year of the reign of his present Majesty, for repairing the road between Hockcliffe in the county of Bedford, and Stoney Stratford in the county of Buckingham.

## C A P. XXII.

An act for enlarging the term and powers granted by an act of parliament passed in the eleventh year of the reign of his present Majesty, for repairing the road leading from the Trent Bridge, in the county of the town of Nottingham, through Colstock, otherwise Cortlingstock Lane, to the bridges commonly known by the name of Cotes Bridges, in the county of Leicester; and for making the said act more effectual.

## C A P. XXIII.

An act for repairing and widening the road from the city of Peterborough, through Oundle and Thrapston, to Wellingborough in the county of Northampton.

## C A P. XXIV.

An act for amending, widening, and keeping in repair, the road leading from Union Point, near the town of Uckfield in the county of Sussex, to Langney Bridge, in the parish of Westham in the said county.

## C A P. XXV.

An act for the better enlightening and cleansing the open places, squares, streets, lanes, alleys, passages, and courts, within the parish of Saint Luke in the county of Middlesex; and regulating the nightly watch and bedels: and for repairing the highways within the said parish.

## C A P. XXVI.

An act for enlarging the term and powers granted by an act made in the ninth year of his present Majesty's reign, intituled, *An act for repairing and widening the road leading from Saint Dunstan's Cross, near the city of Canterbury, to the water-side at Whitstable in the county of Kent.*

## C A P. XXVII.

An act to explain, amend, and render more effectual an act passed in the twenty sixth year of the reign of his present Majesty, intituled, *An act for repairing several roads leading into the city of Glasgow.*

## C A P. XXVIII.

An act for explaining, amending, and rendering more effectual, an act made in the twenty fifth year of his present Majesty's reign, *For repairing and widening the road leading from Market Harborough in the county of Leicestershire, through Drisborough, Rowell, Kettering, Barton Seagrave, and Thrapston,*

1754.] Anno vicefimo septimo GEORGII II. C. 29,--36.

218

*for the county of Northampton; and through Byborne, Spaldwick, and Ellington, to the Pound in the parish of Brampton, in the county of Huntingdon.*

#### C A P. XXIX.

An act for enlarging the term and powers granted by an act passed in the twenty-first year of the reign of his present Majesty, for repairing the high road from Piercebridge to Kirkmerrington, in the county of Durham, and from thence to the turnpike road at Tudsloe Lane End in the said county, and for making the same more effectual.

#### C A P. XXX.

An act for repairing and widening the road from the borough of Leicester, to and by the north side of the town of Uppingham in the county of Rutland; and to Warkford in the county of Northampton, and from thence to Peterborough in the said county of Northampton.

#### C A P. XXXI.

An act for repairing and widening the road leading from the toll-gate in the parish of Kettering, through the town of Wellingborough, in the county of Northampton; and through Olney over Sherrington Bridge, to Newport Pagnell, in the county of Bucks, and for repairing and widening, or rebuilding the said Sherrington Bridge.

#### C A P. XXXII.

An act for repairing and widening the road from a certain intrenchment on Askerswell-hill, opposite to Chilcombe Farm, through the town of Bridport to Penn Inn; and from Bridport aforesaid to the town of Beaminster, in the county of Dorset; and also the road from Penn Inn aforesaid, through the town of Axminster, to the workhouse at the east end of the town of Honiton in the county of Devon.

#### C A P. XXXIII.

An act for repairing and widening the high road from Westwood gate, in the parish of Knotting, in the county of Bedford, through the towns of Rushden and Higham Ferrers, and over Artleborough Bridge, to the turnpike road in Barton Seagrave-Lane, in the parish of Barton-Seagrave, in the county of Northampton.

#### C A P. XXXIV.

An act for repairing and widening the high road from a place called Saint Loydes, in the town of Bedford, through the parishes of Bromham, Stagden, Astwood, Hardmead, and Chichley, to the way post in Sherrington Field, where the said road joins the high road from the town of Olney to the town of Newport Pagnell; and also the high road from Bromham aforesaid, through the parishes of Turvey and Colebrayfield, to the town of Launden, otherwise Lavenden, in the counties of Bedford and Buckingham; and for applying part of the money arising thereby towards repairing, rebuilding, or widening, Sherrington-Bridge, in the road from the said way post, to the said town of Newport Pagnell.

#### C A P. XXXV.

An act for laying a duty of two pennies Scots, or one sixth part of a penny sterling, upon every Scots pint of ale and beer brewed for sale, vend-ed or sold within the town and barony of Alloa, in the county of Clackmannan; and also a duty of anchorage for ships and vessels anchoring in the harbour of the said town, for repairing the pier of the said harbour.

#### C A P. XXXVI.

An act for repairing and widening the roads from the borough of Stratford upon Avon, in the county of Warwick, through Alcester in the said county, and Feckenham, to a place called Bradley Brook, in the county

**Anno viceſimo ſeptimo GEORGII II. C. 37,--42. [1754.]**

county of Worcester; and from Alceſter through Great Cougton and Crabs Croſs, in the ſaid county of Warwick; and through Hewell Lane and Burcot, to the Croſs of Hands on a common called the Leekhay; and out of Hewell Lane through Church Lane and Tuſnell to Bromſgrove, in the ſaid county of Worcester.

### C A P. XXXVII.

An act for enlarging the term and powers granted by an act made in the eighth year of the reign of his preſent Majelty, for repairing and widening the road from the town of Rochdale in the county palatine of Lancalter, leading over a certain craggy mountain called Blackſtone Edge in the ſame county; and from thence to the towns of Halifax and Eaſtland in the county of York.

### C A P. XXXVII.

An act for the better relief and employment of the poor in the parish of Saint Nicholas Deptford in the county of Kent, and in the parish of Saint Paul Deptford in the counties of Kent and Surrey; and for repairing the highways, and paving and cleansing the ſtreets, in the ſaid parishes.

### C A P. XXXIX.

An act for repairing and widening the road from the north end of Bridgford Lane in the county of Nottingham, to and through ſeveral towns and places in the counties of Nottingham, Leicester, Rutland, and through Rockingham, to the Bowling Green at Kettering in the county of Northampton.

### C A P. XL.

An act for opening, making, widening, and keeping in repair a road from Radcliff Highway, through Cannons Street in the county of Middlesex, into the road leading into the county of Eſsex; and also from the weſt end of Brook Street into Cable Street, and from Upper Shadwell Street into the back lane in the ſaid county of Middlesex.

### C A P. XLI.

An act for amending and widening ſeveral roads, leading from the borough of Truro in the county of Cornwall.

### C A P. XLII.

An act for repairing and widening the road from Leicester to Harborough, and from Leicester to Coventry, and from thence through Kenilworth to Warwick, and from thence to Halford Bridge, and from Warwick to Stratford upon Avon, and from Coventry to Martyn's Gutter, leading towards Stoneleigh Town; and for ſupplying an omission in an act paſſed in the laſt ſeſſion of parliament for repairing the road from Leicester to Alliby de la Zouch in the county of Leicester.

*Anno regni GEORGII II. Regis Magnæ  
Britanniae, Franciæ, & Hiberniæ, vice-  
fimo octavo.*

AT the parliament begun and holden at Westminster, the thirty-first day of May Anno Domini one thousand seven hundred and fifty-four, in the twenty-seventh year of the reign of our sovereign lord George the Second, by the grace of God of Great Britain, France and Ireland, King, defender of the faith, &c. And from thence continued by several prorogations to the fourteenth day of November following; being the second session of this present parliament.

### C A P. I.

*An act for the relief of the out-pensioners of the royal hospital at Chelsea.*

WHEREAS the out-pensioners of the royal hospital at Chelsea, for the relief of maimed and worn out soldiers, are by the present method of payment of the out-pension (namely, the payment of a year's pension only, after the same is become due) exposed to sundry and great hardships and distresses, and the said out-pensioners on their admission to the pension, necessitated to take up money for present subsistence on credit, of persons called Money Lenders, on terms many times oppressive and usurious, to the extreme detriment of these meritorious objects of the royal bounty, and generous provision of parliament, and to the unwarrantable emoluments of persons who make advantage of their necessities: for the prevention of all which abuses and mischiefs; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That all assignments, bargains, sales, contracts, orders, agreements, or securities whatsoever, made by any out-pensioner, for, upon, or in respect of any sum or sums of money to become due, for or on account of the out-pension of the royal hospital at Chelsea, to such out-pensioners who shall be admitted thereunto, from and after the twenty fifth day of December one thousand seven hundred and fifty four, shall be absolutely null and void to all intents and purposes.

II. And be it further enacted by the authority aforesaid, That every out-pensioner who shall, after the said twenty fifth day of December one thousand seven hundred and fifty four, be admitted on the pension list, shall, on such his admission, receive in advance, such proportion of the pension, as shall be equal to the remaining number of days of the current half year which shall then remain unexpired; and from and after the end of the said half-

Assignments,  
&c. of out-  
pensions be-  
fore due, de-  
clared void.

Pension to be afterwards paid half-yearly in advance.

half-year, shall on his personal appearance, or affidavit that such out-pensioner was living during the whole or part of the half-year preceding, and reciting the place of his abode (such affidavit to be made before a justice of the peace of any county, riding, division, city, town, liberty or place in Great Britain or Ireland, where such out-pensioner shall reside, for the taking of which affidavit no fee or reward shall be paid) continue to receive in advance the said pension by half yearly payments.

Pensions of those admitted before 25 Dec. 1754, to be paid according to the former regulations till 25 Dec. 1755, and from thenceforth to be paid in advance.

III. And be it further enacted by the authority aforesaid, That all out-pensioners who are already admitted on the said out-pension, or shall be admitted thereto before the said twenty-fifth day of December one thousand seven hundred and fifty-four, shall continue to receive their pensions according to the rules and regulations already established, until the twenty fifth day of December one thousand seven hundred and fifty five, and that from thenceforth they likewise shall receive their pensions in advance, in the same manner as is above directed in respect of such out-pensioners as shall be admitted on the out-pension after the twenty fifth day of December one thousand seven hundred and fifty four, and all assignments, bargains, sales, orders, contracts, agreements, or securities whatsoever, which shall be given or made by any such out-pensioner, for, upon, or in respect of any sum or sums of money to become due on any of the said advanced half yearly payments, shall be absolutely null and void to all intents and purposes.

Agent for out-pension to receive the same in advance from the treasurer, and to pay or remit the same to the pensioners, &c.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for such agent as shall be appointed by his Majesty, his heirs, and successors, for the payment of the out-pension in the manner herein directed, and the said agent so appointed is hereby authorized and directed to receive in advance from the treasurer of *Chelsea Hospital* for the time being, such monies as shall be necessary to discharge the same, and to pay or remit the said pension to the out-pensioners as aforesaid; which said agent is hereby empowered and directed to give a receipt or acquittance for the said monies to the said treasurer; which receipt or acquittance shall be a full and final discharge to the said treasurer for such sum or sums so paid by him to the said agent; and the auditors of the imprests are hereby authorized and required to pass and allow all such acquittances in the accounts of the said treasurer of *Chelsea Hospital*; and the lord high treasurer, or commissioners of the treasury for the time being, or any three or more of them, are hereby authorized and required to issue in advance to the treasurer of *Chelsea Hospital* such sum or sums of money, as from time to time shall be necessary for the payment of the said out-pension, upon such warrant, establishment or orders, as shall be signed by the commissioners of *Chelsea Hospital*, or any three or more of them.

Treasury to issue money in advance for the said pensions, upon warrant of the commissioners.

State and lists of the out-pensions, to be made up half-yearly.

V. And be it further enacted by the authority aforesaid, That the commissioners of *Chelsea Hospital*, or any three of them, are hereby authorized and directed to make up or cause to be made up the last day or days of every half year, an exact state or list

of the number of out-pensioners borne on the out-pension, and who have either personally appeared, or have been certified by proper affidavits as aforesaid to be living during the whole or part of the said half year then expiring.

VI. And it is hereby enacted, That the said commissioners Commission-  
of *Chelsea Hospital*, or any three of them, shall on such lists or ~~ers~~ on the lists  
states so exhibited to them, make out or cause to be made out, <sup>laid before</sup>  
a warrant to the treasurer of *Chelsea Hospital* for the time being, <sup>them, to make</sup> out a warrant  
and shall sign the same, authorizing and directing the said trea- <sup>for the money.</sup>  
surer to issue and pay in advance unto the hands of an agent  
appointed as aforesaid, such sum or sums as may and shall be  
requisite and necessary for the payment of the out-pension as  
aforesaid.

VII. And be it further enacted by the authority aforesaid, Treasurer to  
That the said treasurer of *Chelsea Hospital* shall and may with- <sup>deduct 1 s. in</sup>  
hold and deduct one shilling in the pound from and out of all <sup>the pound, to</sup>  
monies which shall from and after the said twenty fifth day of <sup>be applied as</sup>  
*December* one thousand seven hundred and fifty five, be applica- <sup>his Majesty</sup>  
ble to the payment of the said out-pension, as well as from and <sup>shall direct.</sup>  
out of all monies which shall be directed to be issued in advance <sup>Pension to be</sup>  
to the out-pensioners of *Chelsea Hospital*, from and after the said <sup>paid without</sup>  
twenty fifth day of *December* one thousand seven hundred and <sup>other deduction.</sup>  
fifty four; which monies so deducted shall be applied in the man-  
ner which his Majesty, his heirs and successors shall by warrant <sup>Agent taking</sup>  
under his royal sign manual, direct; and that after the deduc- <sup>fees for paying</sup>  
tion of the said sum of one shilling in the pound, the said pen- <sup>the same, to</sup>  
sions shall be paid to the persons entitled thereto without any <sup>be cashier'd.</sup>  
other deduction, fee, stoppage or charge whatever: and if the <sup>and forfeit</sup>  
said agent to be appointed for the payment of the said pensions, <sup>and forfeit</sup>  
or any other agent or clerk employed in paying the same, shall <sup>100l.</sup>  
exact or take any fee or reward whatsoever, for or on account <sup>of paying the said pension,</sup>  
relative to the said out-pension, such person or persons so offend- <sup>whatsoever</sup>  
ing shall *ipso facto* lose and forfeit their said office or employ-  
ment, and shall over and above forfeit the sum of one hundred  
pounds to any person or persons who shall sue for the same, by  
action of debt, bill, plaint or information, in any of his Ma-  
jesty's courts of record, within twelve calendar months after the  
offence committed; in which said suit no esoin, protection or  
wager of law shall be allowed, nor more than one imparlance,  
and be deemed incapable of serving his Majesty, his heirs and  
successors, in any office or employment civil or military what-  
soever.

## C A P. II.

An act for continuing and granting to his Majesty certain duties upon  
malt, rum, cyder and perry, for the service of the year one thousand  
seven hundred and fifty five. B X P.

## C A P. III.

*An aet to indemnify members of cities, corporations, and borough towns, who have neglected to take the oaths of office, and to stamp their admissions; and for allowing them further time for those purposes.*

W H E R E A S divers persons members of cities, corporations, and borough towns, within that part of Great Britain called England, upon their being admitted officers or members of such cities, corporations or borough towns, have through ignorance of law, and of their particular charters or constitutions, omitted to take their oath of office, or have not taken such oaths before a competent number of persons, or before persons duly qualified, or in such manner as is prescribed by their respective charters and constitutions; or if such oaths have been taken, yet a proper entry thereof, or of the members then present, hath not been made in the proper books kept for that purpose; nevertheless such persons have continued to act as members of such cities, corporations, and borough towns, whereby great disputes may arise concerning the same, and the validity of the acts of such person or persons during the time he or they was or were so disqualified, or not capable of proving his or their qualifications, by reason of such neglect as aforesaid: for preventing whereof, and of all damage and inconvenience that may arise therefrom; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That all and every such member or members, officer or officers of any city, corporation or borough town, within that part of Great Britain called England and Wales, who shall, on or before the twenty ninth day of September one thousand seven hundred and fifty five, take the several oaths by law, custom, or otherwise required or used to be taken in every such city, corporation or borough town respectively, for the offices which they now respectively hold, enjoy and execute, before such a competent number of persons as are required by their respective charters, and constitutions; or if after a legal summons such competent number shall not appear, then before such or so many of the members of such respective cities, corporations or borough towns, as shall think fit to be present, is and are, and shall be hereby confirmed and qualified to act as member or members, officer or officers of such cities, corporations and borough towns respectively, to all intents and purposes, and shall and may hold, enjoy and execute the same, or any other office or offices into which he or they have or hath been elected, notwithstanding his or their omission as aforesaid, or the omissions of any of their predecessors, in the said cities, corporations or borough towns, and shall be indemnified, freed and discharged of and from all incapacities, disabilities, forfeitures, penalties and damages, by reason of any such omission, and none

1755.] Anno vicesimo octavo GEORGII II. c. 4,5,6.

221

of his or their acts shall be questioned or avoided for or by reason of any of the omissions aforesaid.

II. And whereas admissions of several members and officers into cities, corporations, and borough towns, which by several acts of parliament are directed and required to be stamped, may not have been provided, or the same not duly stamped, or may have been lost or mislaid; be it further enacted by the authority aforesaid, That for the relief of such persons whose admissions may not have been provided, or not duly stamped as aforesaid, or where the same have been lost or mislaid, it shall and may be lawful to and for such persons on or before the said twenty ninth day of September one thousand seven hundred and fifty five, to provide, or cause to be provided, admissions duly stamped; and such persons so providing admissions duly stamped as aforesaid, are, and shall be hereby confirmed and qualified to act as member or members, officer or officers of such cities, corporations, and borough towns respectively, to all intents and purposes, and shall and may hold, enjoy, and execute the same, or any other office or offices into which he or they have or hath been elected, notwithstanding his or their omission, or the omission of any of their predecessors, in such cities, corporations, or borough towns as aforesaid, and shall be indemnified, freed, and discharged, of and from all incapacities, disabilities, forfeitures, penalties and damages, by reason of any such omission, and none of his or their acts shall be questioned or avoided for or by reason of the same.

Time allowed  
for providing  
admissions to  
officers, duly  
qualified, &c.

III. Provided always, That this act, or any thing herein contained, shall not extend, or be construed to extend, to restore or intitle any person or persons to any office or employment, matter or thing whatsoever, already actually avoided by judgment of any of his Majesty's courts of record, or already filled up or enjoyed by another person; but that such office, employment, matter or thing, so avoided, or filled up and enjoyed as aforesaid, shall be, and remain in and to the person or persons who is or are now intitled to the same, as if this act had not been made.

Limitations of  
this act.

#### C A P. IV.

An act for punishing mutiny and desertion, and for the better payment of the army and their quarters. EXP.

#### C A P. V.

An act for granting an aid to his Majesty by a land tax to be raised in Great Britain, for the service of the year one thousand seven hundred and fifty five; and for the relief of the inhabitants of certain places in the county of Lincoln, in respect of arrears of the land tax. EXP. At 2s. in the pound.

#### C A P. VI.

An act for taking away mortuaries in the archdeaconry of Chester, and giving a recompence therefore to the bishop of Chester as archdeacon of Chester, who holds and enjoys the said archdeaconry in right of his see.

W H E P E A S

**21 Henry 8.c.6.** **W**H E R E A S in and by an act of parliament made and passed in the one and twentieth year of the reign of King Henry the Eighth, intituled, Where mortuaries ought to be paid, for what persons, and how much, and in what case none is due; it is among other things provided, That it should be lawful to the archdeacon of Chester, to take such mortuaries of the priests within his jurisdiction as thentofore had been accustomed: whereas the bishops of the said diocese of Chester, as archdeacons of Chester for the time being, have accordingly used to demand and take, and do continue to demand and take, mortuaries upon the death of every clergyman within the jurisdiction of the said archdeacon of Chester; and the said mortuaries consisting of several of the best goods of the deceased, do oftentimes amount to a very considerable part of his estate and effects, and the payment thereof doth very much lessen the small provision which ordinarily the clergy within the said archdeaconry are able to make for the support of their families, and tends greatly to the impoverishing the same: and whereas the bishops of Chester as archdeacons of Chester for the time being, are seised of the advowson, right of patronage, and presentation of, in and to the rectory of the parish church of Waverton alias Wareton, in the said diocese and archdeaconry of Chester, and the right reverend Edmund now lord bishop of Chester, at the instance and request, and upon the proposal of the greatest part of the clergy within the said archdeaconry, hath consented that all the mortuaries or corse-represents due and payable upon the death of clergymen within the said archdeaconry, shall for the future cease and be abolished, so as that in lieu thereof, and as a compensation for the same, the said rectory or parsonage of Waverton alias Wareton, with the appurtenances thereof, shall be annexed to the said archdeaconry of Chester, and held and enjoyed by the said bishop as archdeacon of Chester, and his successors for ever, subject nevertheless to such stipend and provision for a minister or curate of the said parish and parish church of Waverton alias Wareton, and his successors, as is herein after mentioned; and as the carrying such proposal and request into execution and effect would contribute greatly to the satisfaction, encouragement, and benefit of the clergy within the said archdeaconry: therefore for the answering, obtaining, and accomplishing the good ends and purposes afore-mentioned; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the

Upon the first vacancy or avoidance of the living of Waverton, the payment of mortuaries in the archdeaconry of Chester to cease; in the said act, and herein before set forth or recited, and all and every clause or proviso contained and inserted in the same act, so far as the same do respectively relate to the taking of any mortuary or corse-represent upon the death of any clergyman within the said archdeaconry of Chester, shall immediately, from and after such time as the said church or living of Waverton alias Wareton, in the diocese and archdeaconry of Chester, shall become void by the death, resignation, cession or deprivation of John Prescott clerk, the present incumbent, stand, and be absolutely repealed, annulled and void; and all and every custom or

or usage, customs or usages, of and for paying, demanding or taking any mortuary or corsepresent, or any goods, chattels, effects or things, for or in the name of a mortuary or corsepresent, upon the death of any clergyman within the said archdeaconry of *Chester*, shall, from and after such first vacancy or avoidance of the said church or living of *Waverton alias Waretion*, be utterly void, and totally abolished for ever; and no mortuary or and no compensation to  
corsepresent, or sum or sums of money for or in lieu of, or in the name thereof, or in commutation for the same, shall be yielded, paid, answered or satisfied, or be due or payable by or thereof.  
from any person or persons to any bishop of the said diocese of *Chester*, either as diocesan or archdeacon of *Chester* for the time being, or to any person or persons authorized by or claiming under him, them, or any of them; and that from and after such vacancy or avoidance as aforesaid, it shall not be lawful to and for the archdeacon of *Chester* or his successors, farmers, bailiffs or lessees, or any of them, or any person or persons whatsoever claiming by or under such archdeacon or his successors, to take, receive or demand, of any person or persons whatsoever, any manner of mortuary or corsepresent, or any sum or sums of money, or other thing for or in lieu or name of, or in commutation for any mortuary or corsepresent, or to convene, cite, sue or prosecute any person or persons, before any judge spiritual, or in any of his Majesty's courts of law, or other court whatsoever, for the recovery of, or for, touching or concerning any mortuary or corsepresent, or any thing in lieu thereof, for or by reason or on account of the death of any priest or clergyman within the said archdeaconry of *Chester*, at any time after such vacancy or avoidance as aforesaid; any thing in the said recited act, or any law, custom or usage whatsoever to the contrary notwithstanding.

II. And be it further enacted by the authority aforesaid, Upon the extinction of  
That as a recompence and compensation to the bishop of *Chester* mortuaries,  
as archdeacon of *Chester* for the time being, and his successors, the rectory of  
for such mortuaries as are mentioned or intended to be extinguished and abolished by this act as aforesaid, all that the rectory or parsonage and church of *Waverton alias Waretion*, in the Waverton to  
diocese and archdeaconry of *Chester*, with all the lands, tenements, tythes, tenths, oblations, obventions, hereditaments and appurtenances thereunto belonging or appertaining, or accepted, reputed, taken or known, as part, parcel or member thereof, shall from and immediately after such vacancy or avoidance of the said church or living, be vested in the bishop of *Chester* and his successors, and shall from thenceforth be appropriated, annexed, and united to the fee and bishoprick of *Chester* for ever; and all and every the rights, dues, profits, benefits and advantages whatsoever, of the said rectory, or in any wise incident, belonging or appertaining to the same, shall from thenceforth be had, received, taken and enjoyed, by the said bishop of *Chester* and his successors for ever.

III. Provided always, and it is hereby further enacted by the  
au-

Bishop to nominate a curate to hold the said living,

authority aforesaid, That upon the first vacancy or avoidance of the said church or living of *Waverton alias Wareton*, which shall happen next after the passing of this act, it shall and may be lawful to and for the bishop of *Chester* for the time being, and he and his successors in the said see of *Chester* are hereby authorized and required to nominate and appoint a curate or minister, duly qualified according to law to hold living with cure of souls, to be curate, minister, or incumbent of the said parish and parish church of *Waverton alias Wareton*, and who shall reside in the said parish, and officiate and perform divine service and offices in the said church, according to the usage of the church of *England* as by law established, and have and enjoy such yearly stipend as is herein after mentioned; and also that it shall and may be lawful for the bishop of *Chester* for the time being, upon every subsequent vacancy or avoidance of the said curacy or living, for ever, to nominate and appoint a person duly qualified as aforesaid, to be curate or minister of the said church or living.

IV. And it is hereby further enacted, That one yearly stipend with a yearly sum of sixty pounds, of lawful money of *Great Britain*, salary of 60l.

to be paid quarterly,

and recoverable as 29 Car 2. c. 8. dues.

First fruits and tenths reserved to the crown.

free from all reprises and deductions whatsoever, shall, from and after such first vacancy or avoidance of the said church or living of *Waverton alias Wareton*, and such nomination or appointment of a minister, curate, or incumbent, to officiate therein as aforesaid, be vested in and settled upon such minister, curate, or incumbent, and his successors, ministers, or curates, of the said parish and parish church of *Waverton alias Wareton*, for ever, and shall be from thenceforth charged upon and issuing and payable out of the said rectory or parsonage of *Waverton alias Wareton*, hereby vested in the said bishop and his successors, as aforesaid, and the fruits, profits, and income thereof, by quarterly payments on the feasts of the annunciation of the blessed virgin *Mary*, the nativity of Saint *John Baptist*, Saint *Michael the archangel*, and the birth of our Lord Christ, by equal portions, the first payment thereof to begin and be made at or on such of the feasts or days as shall first happen after the nomination or appointment of such minister, curate or incumbent, as aforesaid; and that every such minister, curate or incumbent, for the time being, shall have such and the like powers and remedies for recovering and receiving the said yearly stipend of sixty pounds, and all arrears thereof, as by an act of parliament made in the twenty ninth year of the late King *Charles the Second*, intituled, *An act for confirming and perpetuating augmentations made by ecclesiastical persons to small vicarages and curacies*, are given to any vicar or curate for recovering the augmentations thereby vested in, secured to or provided for him and them respectively.

V. Provided always, That nothing herein contained shall prejudice or affect the right, title or interest of his Majesty, his heirs or successors, of, in or to the first fruits and tenths now or heretofore due or payable to his Majesty, his heirs and successors,

sors, for or in respect of the said rectory and church of *Waverton* alias *Wareton*, but that such first fruits and tenths shall continue to be levied and paid in like manner, as the same are and were before the passing of this act; any thing herein contained to the contrary in any wise notwithstanding.

VI. Saving also to the King's majesty, his heirs and successors, and to all and every other person and persons, bodies politic and corporate, his, her and their heirs, successors, executors and administrators, other than the said bishop of *Chester* and his successors, as well in and to the said bishoprick and see, as in and to the archdeaconry of *Chester* respectively, all such estate, right, title and interest of, in, to or out of the said rectory and church of *Waverton* alias *Wareton* aforesaid, as they, every or any of them had, before the passing this act, or could or might have had and enjoyed in case this act had not been made.

VII. And it is hereby enacted and declared, That this act shall be taken and deemed to be a publick act, in all courts whatsoever.

### C A P. VII.

*An act concerning the offices of sheriff depute and steward depute, in that part of Great Britain called Scotland.*

WHEREAS by an act made in the twentieth year of his present Majesty, intituled, An act for taking away and abolishing the heretale jurisdictions in that part of Great Britain called Scotland; and for making satisfaction to the proprietors thereof; and for restoring such jurisdictions to the crown; and for making more effectual provision for the administration of justice throughout that part of the united kingdom, by the King's courts and judges there; and for obliging all persons acting as procurators, writers or agents in the law of Scotland, to take the oaths; and for rendering the union of the two kingdoms more complete; it is, among other things, enacted, That there shuld be but one sheriff depute or steward depute, in any county, shire or stewartrie in Scotland, not thereby taken away or abrogated, and that he shuld be an advocate of three years standing at the least, and shoud, during the space of seven years, from the twenty fifth day of March one thousand seven hundred and forty eight, be nominated and appointed by his Majesty, his heirs or successors, by warrant under his or their sign manual, with such continuance as his Majesty, his heirs or successors shoud think fit; and that after the end of the said seven years, the offices of sheriff depute and steward depute, shoud be granted and held ad Vitam aut Culpam only, with competent salaries, to be ascertained and established for the time of their continuance: and whereas the salutary ends and purposes of the said offices, and the wise regulations made by the said act concerning the same, will best be answered by the said sheriffs and stewards depute, continuing to be appointed by his Majesty, his heirs or successors, in the like manner as they have hitherto been; be it therefore enacted by

2cGeo.2.c 43.

Clause in the  
recited act  
repealed.

Sheriff and  
stewart de-  
putes to hold  
their office  
for 15 years of  
his Majesty, as  
before enact-  
ed, after which  
to hold ad  
Vita.n aut  
Culpam.

the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That so much of the act above recited as enacts, That after the end of seven years, from and after the said twenty fifth day of March the offices of sheriff depute and steward depute, shall be granted and held *ad Vitam aut Culpam*, shall be, and is hereby repealed; and that the sheriff deputes and steward deputes, already named or hereafter to be named, shall, during the space of fifteen years, from and after the expiration of the said seven years, hold and enjoy their respective offices for such continuance as his Majesty already hath, or his Majesty, his heirs or successors, shall hereafter think fit to appoint, by warrant under his or their sign manual, and that from and after the end of the said fifteen years, the offices of sheriff depute and steward depute shall be granted and held *ad Vitam aut Culpam* only, with competent salaries to be ascertained and established for the time of their continuance.

### C A P. VIII.

*An act for making navigable the river or brook called Sankey Brook, and the three several branches thereof, from the river Mersey below Sankey Bridges, up to Boardman's stone bridge on the south branch, to Gerard's bridge on the middle branch thereof, and to Penny Bridge on the north branch thereof, all in the county of palatine Lancaster; and also for adjusting the measure of coal, to be brought down the said river or brook, and sold within the town of Liverpool, in the said county.*

WHEREAS the river or brook called Sankey Brook, in the county palatine of Lancaster, from the place where it empties itself into, and communicates with the river Mersey, below Sankey Bridges, is capable of being made navigable up the stream or current of the said river or brook, and of the three several branches thereof; videlicet, To Boardman's stone bridge, near Saint Helens, on the south branch thereof, to Gerard's Bridge on the middle branch thereof, and to Penny Bridge on the north branch thereof; and the making and rendering the same navigable, within the limits aforesaid, for boats, flats, and other vessels, would tend greatly to the benefit and advantage of great numbers of tradesmen and manufacturers within the counties palatine of Lancaster and Chester, and be a great relief and convenience to the poor inhabitants in the said places, and contribute to the improvement and increase of the trade and navigation of this kingdom: wherefore for attaining and effecting the good ends and purposes aforesaid, be it enacted,

Undertakers have power to enlarge the brook and streams. Not to build any new mills on the river, or warehouses in any garden, &c. Commissioners appointed for settling differences. Commissioners to mediate, and determine satisfaction; commissioners to issue a warrant to sheriffs or coroner, to return a jury. Parties to have lawful challenges. Commissioners to

to give judgment for sums assessed by the jury; which shall be binding against all parties. The decrees to be kept amongst the records of the quarter session for the county of Lancaster. A clerk to be appointed, and his office. 14 days notice of the commissioners meeting for approving a clerk. Upon payment of sums assessed for damages, undertakers may cut, dig, &c. Commissioners qualification. It shall be lawful for the undertakers, to take for all goods, carried up or down the river above Sankey Bridges, the duties herein after mentioned, viz. for every ton of coal, stones, slate, flags, timber, or other goods, any sum not exceeding 10d. Lime stones, manure, &c. excepted. Tonnage of coal, timber, &c. ascertained. Bodies politick, &c. impowered to lease or sell, reserving the full yearly value. Such conveyances to be inrolled by the clerk of the peace. Masters of vessels to give a true account of their lading, or to forfeit 7s. 6d. per ton. Masters to have their names on the outides of their boats. Power to measure and gauge vessels. Contents to be entered in a book, with the names of the owner and master, and number of the vessel. Allowance of duties for deficiency of loading. Undertakers may set up winches and other engines. Boatmaster or owner answerable for damages done by the crew. Persons on board having nets, &c. not being qualified, to forfeit 5l. The river not under the survey of commissioners of sewers. Undertakers to secure lands from being overflowed. New bridges to be made over cuts. Future damages to be settled by the commissioners. Penalty on undertakers neglecting to repair bridges, gates or miles. Flood gates, &c. to let the water into the lands, for the improvement thereof; which are not to be opened between the first of May and tenth of October. If undertakers do not make a sufficient number of flood-gates, &c. Commissioners to direct others to be made. Persons wilfully opening such flood-gates, to forfeit to the land owners 20l. or be committed to the house of correction. Persons maliciously destroying the works, &c. guilty of felony, and liable to be transported. Undertakers to begin before the 29th of Sept. 1755, and finish before the 29th of Sept. 1756. In default commissioners to appoint new undertakers. Persons overloading and obstructing the passage of the river, to forfeit 5l. Vessels not to lie in the river, to the obstruction of others. Vessels sunk to be weighed up and detained till satisfaction made. Fishing and fowling saved to owners. Pleasure boats free, not carrying goods. Undertakers impowered to extend the navigation eight hundred yards above the three bridges. A standard bushel of brass to be made, and kept by the clerk of the market. Dealers in coal to use sealed measures. Bushels, and other smaller measures to be properly fitted for work, and sealed before made use of.

## CAP. IX.

### *An act to prevent the holding of any market for the future in the high street of the borough of Southwark in the county of Surry.*

WHEREAS the late King Edward the Sixth, by his royal charter in the fourth year of his reign, did, among other things, give and grant unto the mayor and commonalty and citizens of the city of London, that they and their successors should have within the borough and town of Southwark, in the county of Surry, one market or markets to be there holden, and all things which to a market do appertain or may appertain for ever: and whereas by an act of parliament passed in the twenty ninth year of the reign of his late majesty King Charles the Second, it was enacted, That the said market should continue and be kept in the same place where it had been anciently, and was at the time of making the said act, kept: and that the said market should not be kept in any other place whatsoever: and whereas the high street of the said borough, where the said market is

29 Car. 2 c. 4.

*now held, leading from London Bridge to Saint Margaret's Hill, is a great thoroughfare to and from the counties of Surry, Kent and Sussex; and the holding of the said market in the said high street hath been found inconvenient from the great increase of coaches, carts and other carriages passing and repassing through the same, which hath occasioned frequent stops, and is a great obstruction to trade and commerce: for remedy whereof, may it please your Majesty, upon the humble petition of the said mayor and commonalty and citizens, who are desirous to give up the said market, and the profits arising thereby, for the convenience and accommodation of the publick, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same,*

*That from and after the twenty fifth day of March one thousand seven hundred and fifty six, no market whatsoever shall be kept or held in the said high street of the borough of Southwark in the county of Surry; any law, statute, usage or custom to the contrary thereof in any wise notwithstanding.*

No market for  
the future to  
be held in the  
High Street;

or stall erected  
for selling gar-  
den ware, &c.

The setting  
up stalls, and  
the standing  
of empty  
coaches, or  
other carria-  
ges, in the  
street, deemed  
a nuisance.

No coachman,  
&c. to ply or  
stand in the  
street.

II. And be it further enacted by the authority aforesaid, That from and after the said twenty fifth day of March one thousand seven hundred and fifty six, it shall not be lawful for any person or persons whatsoever to erect, place or use any stall, trussel, block or other stand, in the said high street of the said borough, or to sell or expose to sale, any peas, beans, herbs, victuals or other commodities whatsoever, in or upon any stall, trussel, stand, shed or carriage whatsoever, in the said high street of the borough of Southwark.

III. And be it further enacted by the authority aforesaid, That from and after the said twenty fifth day of March one thousand seven hundred and fifty six, every erecting, placing or using 'on or in any part of the said high street, of any stall, trussel, block or other thing, and also the selling or exposing to sale, of any commodities on them or any of them, and every placing or standing of any empty coach, cart, dray or other carriage, in any part of the said high street (except only during the time of the loading or unloading thereof, and that to be done in a reasonable time) shall be deemed, and is hereby declared to be a common nuisance.

IV. And, for the better keeping the said high street leading to and from London Bridge to Saint Margaret's Hill aforesaid free and clear from any obstructions of hackney coaches, stage coaches, carts, carrs, drays, waggons and other carriages standing in the said high street, be it further enacted by the authority aforesaid, That from and after the said twenty fifth day of March one thousand seven hundred and fifty six, it shall not be lawful for any coachman or driver to stand or ply or be permitted to stand or ply for hire with any coach or other carriage whatsoever in the said high street, or for any carman, carter, drayman or driver of any carriage whatsoever to stand or remain or be permitted to stand or remain with any cart, carr, dray, waggon

gon or other carriage whatsoever, in the said high street, except only during the time of loading and unloading thereof, and that to bedone in a reasonable time ; and that no carriage shall stand Persons cau-  
to load or unload with its breech or tail at or before any dwel- sing obstruc-  
tion, by  
lling-house, shop or warehouse ; and if any coachman, carman, coaches, carts,  
carter, drayman, waggner or driver, shall offend herein, it or other car-  
shall and may be lawfull for any constable or inhabitant of the <sup>or</sup> <sup>the</sup> <sup>carried before</sup>  
place where the offence shall be committed, to apprehend and <sup>a justice.</sup>  
take, or cause to be apprehended and taken, every such person  
or persons so offending, before some justice of the peace for the  
said borough, or for the said county of *Surry*, and upon convic-  
tion thereof, either by the confession of the party, or the oath  
of one or more credible witness, or witnesses, before such jus-  
tice (which oath such justice is hereby impowered and required  
to administer,) every such person or persons so offending shall  
respectively forfeit and pay for every such offence a sum not ex-  
ceeding ten shillings, nor less than five shillings, as such justice <sup>Penalty.</sup>  
shall direct, to go and be applied to the use of the poor of the pa-  
rish where such offence shall be committed ; and in default of  
immediate payment, the offender or offenders shall be commit-  
ted by such justice of the peace for the said borough, or for the  
said county of *Surry*, to the house of correction, there to be kept  
to hard labour for any time not exceeding seven days, as such  
justice shall think fit to order, or until he shall have paid the  
same.

V. And be it further enacted by the authority aforesaid, That Publick act, this act shall be deemed, adjudged, and taken to be a publick act; and be judicially taken notice of as such by all judges, justices, and other persons whatsoever, without the same being specially pleaded.

CAP. X.

*An act for allowing further time for enrolment of deeds and  
wills made by papists; and for relief of protestant purcha-  
fers.*

**W**HEREAS by a clause in an act of parliament passed in the 3 Geo. 1.c. 18.  
third year of his late Majesty's reign, intituled, An act for  
explaining an act passed in the last session of parliament, inti-  
tuled, An act to oblige papists to register their names and real estates ;  
and for enlarging the time for such registering ; and for secur-  
ing purchases made by protestants ; it was enacted, That from  
and after the twenty ninth day of September in the year of our Lord  
one thousand seven hundred and seventeen, no manors, lands, tene-  
ments, hereditaments, or any interest therein or rent or profit there-  
out, should pass, alter or change, from any papist or person professing  
the popish religion, by any deed or will, except such deed within six  
months after the date, and such will within six months after the death  
of the testator, should be enrolled in one of the King's courts of record  
at Westminster, or else within the same county or counties wherein  
the manors, lands and tenements lie, in such manner as therein for that

10 Geo. I. c. 4.

purpose is particularly directed: and whereas by several acts of parliament made in the tenth year of his said late Majesty's reign, and in the third, sixth, ninth, eleventh, twelfth, sixteenth and nineteenth year of the reign of his present Majesty, it was enacted, That every deed and will which had been then made, since the twenty ninth day of September one thousand seven hundred and seventeen, in order to pass, alter or change any manors, lands, tenements or hereditaments, or any interest therein, or rent or profit thereout, from any papist or person professing the popish religion, though not then inrolled, should be as good and effectual in the law, as the same would have been in case the said deeds and wills had been inrolled within the time limited by the said clause in the said first-mentioned act for inrolment thereof; provided the said deeds and wills should be inrolled on or before the respective times in the said several acts respectively mentioned, in such manner as by the said first-mentioned act was directed: and whereas by another act made in the twenty sixth year of the reign of his present Majesty it was enacted, That every deed and will made since the first day of December one thousand seven hundred and forty six, in order to pass, alter or change, any manors, lands, tenements or hereditaments, or any interest therein, or any rent or profit thereout, from any papist or person professing the popish religion, to any protestant or protestants, or by or by reason of which deed or will, any protestant or protestants may claim or derive any legal, equitable, or other interest whatsoever, to his, her or their use, for his, her or their benefit, or to the use or benefit of any other protestant or protestants, though not inrolled, or not inrolled in due time, should be as good and effectual in the law, as the same would have been in case the said deeds and wills had been inrolled within the times limited by the said clauses in the said acts for the inrolment thereof, provided the same deeds and wills should be inrolled on or before the first day of January one thousand seven hundred and fifty four, in such manner as by the said clause in the said first-mentioned act is directed; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same,

That every deed and will made since the twenty ninth day of September, one thousand seven hundred and seventeen, in order to pass, alter or change, any manors, lands, tenements or hereditaments, or any interest therein, or any rent or profit thereout, from any papist or person professing the popish religion, to any protestant or protestants, or by or by reason of which deed or will any protestant or protestants may claim or derive any legal, equitable or other interest whatsoever, to his, her or their use, for his, her or their benefit, or to the use or benefit of any other protestant or protestants, though not inrolled, or not inrolled in due time, shall be as good and effectual in the law as the same would have been in case the said deeds and wills had been inrolled within the times limited by the said clauses in the said acts for the inrolment thereof, provided the same deeds and wills shall be inrolled on or before the first day of January one thousand

Further time  
given for in-  
rolling  
deeds  
and wills of  
papists till  
1 Jan. 1756.

thousand seven hundred and fifty six, in such manner as by the said clause in the said first-mentioned act is directed.

II. Provided always, That nothing herein contained shall extend, or be construed to extend, to make good any such deed, will or lease, already made, and not inrolled, of the want of inrollment whereof advantage shall have been taken, on or before the first day of *Januar*, one thousand seven hundred and fifty five, but every such deed, will or lease, shall remain of such force and effect only as the same would have had, if this act had never been made, and of none other force and effect.

III. And whereas many purchases made by protestants may be in danger of being impeached, or called in question, in regard that some deeds or wills through which the title thereto is derived, ought to have been inrolled according to the said acts, but have not been so inrolled; be it therefore further enacted by the authority aforesaid, That no purchase made for full and valuable consideration of any manors, messuages, lands, tenements or hereditaments, or of any interest therein, by any protestant or protestants, and merely and only for the benefit of the protestants, shall be impeached or avoided for or by reason that any deed or will through which the title thereto is derived, hath not been inrolled as required by the said acts, so as no advantage was taken of inrollment thereof before such purchase was made, and so as no decree or judgment hath been obtained for want of the inrollment of such deeds or wills.

IV. Provided also, That nothing herein contained shall extend or be construed to extend to make good any grant, lease, or mortgage of the advowson or right of presentation, collation, nomination or donation, of and to any benefice, prebend or ecclesiastical living, school, hospital or donative, or any avoidance thereof, made by any papist or person professing the popish religion, in trust, directly or indirectly, meditately or immediately, by or for any such papist or person professing the popish religion, whether such trust hath been declared by writing or not.

No grant, &c.  
of advowson,

made by any  
papist in trust  
&c. to be  
hereby deemed  
good.

## C A P. XI.

### *An act for the regulation of his Majesty's marine forces while on shore.*

WHEREAS it may be necessary for the safety of this kingdom, and the defence of the possessions of the crown of Great Britain, that a body of marine forces should be raised and employed in his Majesty's fleet and naval service, under the direction of the lord high admiral, or commissioners for executing the office of lord high admiral of Great Britain: and whereas the said marine forces at their first forming, and other times, must necessarily be quartered on shore, where they will not be subject to the laws relating to the government of his Majesty's forces by sea, yet nevertheless it being requisite for the retaining of such forces in their duty, that an exact discipline be observed, and that marines who shall rioting or stir up sedition, or shall desert his Majesty's service, be brought to a more exemplary and speedy punishment

nishment than the law will allow : be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this prefent parliament assembled, and by the authority of the same, That from

Every marine officer and private man on shore,

and after the twenty fifth day of March one thousand seven hundred and fifty five, if any person who is, or during the continuance of this act shall be voluntarily entered, and in pay as a marine officer or private man in his Majesty's service, and being ordered or employed in such service, at any time during the continuance of this act, on shore in any place within the realm of Great Britain, or in the kingdom of Ireland, or in any of his Majesty's dominions beyond the seas respectively, shall begin, excite, cause or join in, any mutiny or sedition in the company to which he doth or shall belong, or in any other company, troop or regiment, either of marine or land forces, in his

Majesty's service, or shall not use his utmost endeavours to suppress the same, or coming to the knowledge of any such mutiny or intended mutiny, shall not without delay give information thereof to his commanding officer, or shall desert his Majesty's service; or being actually entered as a marine in any company, shall list himself in any other company, troop or regiment, in his Majesty's service, without first having a discharge in writing from the officer commanding in chief the company in which he

last served as a marine ; or shall be found sleeping upon his post ; or shall leave it before relieved ; or shall hold correspondence with any rebel or enemy of his Majesty, or give them advice or intelligence of any kind by any ways or means, or in any manner whatsoever ; or shall treat with such rebels or enemies, or enter into any condition with them, without his Majesty's licence, or licence of the lord high admiral of Great Britain, or of three or more of the commissioners for executing the office of lord high admiral of Great Britain for the time being ; or

shall strike or use any violence against his superior officer, being in the execution of his office, or shall disobey any lawful command of his superior officer, all and every person and persons so offending in any or either of the matters before mentioned, on or before death, &c.

The lord high admiral, &c. may grant a commission to hold general courts martial, &c.

II. And be it further enacted by the authority aforesaid, That it shall and may from time to time, during the continuance of this act, be lawful to and for the said lord high admiral, or three or more of the said commissioners for executing the said office of lord high admiral for the time being, to grant a commission under his or their respective hand or hands, to any officer of marines in his Majesty's service, not under the degree of a field officer, for the holding a general court-martial at any place or places on shore, in this realm or in Ireland, or in any of his Majesty's dominions beyond the seas ; in every of which courts martial, all or any of the offences above-mentioned, and all or any other

other of the offences herein after specified, shall be tried and proceeded against in such manner as by this act is directed.

III. And be it also enacted, That it shall and may be lawful Courts-martial to and for such courts-martial respectively, by their sentence or judgment, to inflict corporal punishment, not extending to life or limb, on any marine for immoralities, misbehaviour or neglect of duty on shore, in any place or places within this realm or *Ireland*, or any of his Majesty's dominions beyond the seas, during the continuance of this act.

IV. And be it further enacted by the authority aforesaid, Lords, &c. of the admiralty empowered to make articles of war,  
That it shall and may be lawful to and for the said lord high admiral, or three or more of the commissioners for executing the said office of lord high admiral, at any time during the continuance of this act, to make and establish rules and articles in writing under his or their respective hand or hands for the punishment of mutiny and desertion, immoralities, misbehaviour and neglect of duty, in any of his Majesty's marine forces while on shore in any part of this realm or *Ireland*, or any of his Majesty's dominions beyond the seas, and for bringing offenders against the same to justice, and to erect and constitute courts martial with power to try, hear and determine any crimes or offences specified in such rules and articles, and inflict punishments by sentence or judgment for the same, according to the true intent and meaning of this act.

V. Provided always, That no person or persons shall be adjudged to suffer any punishment extending to life or limb, by the said rules and articles within the kingdom of *Great Britain* and *Ireland*, except for such crimes as are expressed to be so punishable by this act.

VI. And it is hereby further enacted and declared, That no general court-martial which shall have power to sit by virtue of this act, shall consist of a less number than thirteen, whereof none to be under the degree of a commission officer of marines, and the president of such court-martial shall not be under the degree of a field officer of marines, unless where such field officer cannot be had; in which case the marine officer next in seniority to such field officer, not being under the degree of a captain, shall preside at such court-martial; and that such court-martial shall have power and authority, and are hereby required to administer an oath to every witness, in order to the examination or trial of any of the offences that shall come before them.

VII. Provided always, That in all trials of offenders by general courts-martial to be held by virtue of this act, every officer present at such trial, before any proceedings be had thereupon, shall take the following oaths upon the holy evangelists, before the court and judge advocate or his deputy, who are hereby authorized to administer the same, in these words; that is to say,

**Y**OU shall well and truly try and determine, according to the evidence which shall be given in the matter now before you, between

Anno vicesimo octavo GEORGII II. C. 11. [1755.]  
tween our sovereign lord the King's majesty, and the prisoner to be tried.

So help me God.

**I** A. B. do swear, That I will duly administer justice according to an act of parliament now in force, for the regulation of his Majesty's marine forces while on shore; and according to the rules and articles made in pursuance of the said act of parliament for the punishment of mutiny and desertion, and other crimes therein respectively mentioned, without partiality, favour or affection; and if any doubt shall arise (which is not explained by the said act of parliament, or the said rules and articles) according to my conscience, the best of my understanding and the custom of war in the like cases: and I further swear, That I will not divulge the sentence of the court, until it shall be approved by the lord high admiral, or three or more of the commissioners for executing the office of lord high admiral of Great Britain; neither will I, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness by a court of justice, in a due course of law.

So help me God.

The judge ad-  
vocate to be  
sworn. And so soon as the said oaths shall have been administered to the respective members, the president of the court is hereby authorized and required to administer to the judge advocate, or to the person officiating as such, an oath in the following words.

**I** A. B. do swear, That I will not upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness by a court of justice, in a due course of law.

So help me God.

In sentences of death, nine officers to concur, &c. And no sentence of death shall be given against any offender by any such general court-martial as aforesaid, unless nine officers present shall concur therein; and if there be more officers present than thirteen, then the judgment shall pass by the concurrence of two thirds of the officers present; and no proceeding or trial shall be had upon any offence, but between the hours of eight of the clock in the morning and three in the afternoon, except in cases which require an immediate example.

Hours of trial. The party tried, intitled to a copy of the sentence and proceedings of the court-martial. VIII. Provided always, That the party tried by any general court-martial to be held as aforesaid, shall be intitled to a copy of the sentence and proceedings of such court-martial, upon demand thereof made by himself, or by any other person or persons on his behalf (he or they paying reasonably for the same) at any time, not sooner than three months after such sentence, whether such sentence be approved or not; any thing in this act to the contrary notwithstanding.

Original pro-  
ceedings, &c. IX. Provided also, and be it enacted by the authority aforesaid, That every judge advocate, or person officiating as such at any

any general court-martial, to be held as aforesaid, do, and he of courts-  
is hereby required to transmit with as much expedition as the martial to be  
opportunity of time and distance of place can admit, the ori- transmitted to  
nal proceedings and sentence of such court-martial to the secre- the secretary  
tary of the admiralty for the time being; which original pro- of the admir-  
ceedings and sentence shall be by him carefully kept and pre- ralty, &c.  
served in the office of the admiralty of Great Britain, to the end  
that the persons entitled thereto may be enabled, upon applica-  
tion to the said office, to obtain copies thereof according to the  
true intent and meaning of this act.

X. Provided always, and be it hereby declared and enacted, None to be  
That no marine, either officer or private man, being acquitted tried a second  
or convicted of any offence, at any such court-martial as afore- time for the  
said, shall be liable to be tried a second time by the same or any same offence.  
other court-martial for the same offence; and that no sentence to be revised  
given by any court-martial, and signed by the president thereof, more than  
be liable to be revised more than once.

XI. Provided always, and be it further enacted, That if any Deserteis be-  
officer or private man shall desert his Majesty's service in any of yond sea, &c.  
his dominions beyond the seas, or elsewhere beyond the seas, may be tried  
and shall escape and come into this realm or Ireland, before he be here or in Ire-  
land tried by a court-martial for such offence, and shall be appre-  
hended for the same, such officer or private man shall be tried  
for the same as if the said offence had been committed within  
this realm.

XII. Provided always, That nothing in this act contained This act not  
shall extend, or be construed to extend, to exempt any marine, to exempt any  
either officer or private man whatsoever, while on shore, from on shore from  
being proceeded against by the ordinary course of law. ordinary pro-  
cesses.

XIII. And be it further enacted, That no person or persons Persons tried  
being acquitted or convicted of any capital crimes, violences or by the civil  
offences, by the civil magistrate, shall be liable to be punished magistrates,  
by a court-martial for the same, otherwise than by cashiering. in, only be  
cashiered by a court-martial.

XIV. Provided also, That if any marine officer, non-com- Persons accus-  
mission officer or private man, shall be accused of any capital ed of capital  
crime, or of any violence or offence against the person, estate or crimes, &c. to  
property of any of his Majesty's subjects, which is punishable be delvered  
by the known laws of the land, the commanding officer or offi- over to the ci-  
cers of every company or party, is and are hereby required to vil magistrate,  
use his and their utmost endeavours to deliver over such accused &c.  
person to the civil magistrate, and shall also be aiding and assist-  
ing to the officers of justice in the seizing and apprehending such  
offender, in order to bring him to trial: and if any such com-  
manding officer shall wilfully neglect or refuse, upon applica-  
tion made to him for that purpose, to deliver over any such ac-  
cused person to the civil magistrate, or to be aiding and assisting  
to the officers of justice in the apprehending such offender, every  
such officer so offending, and being thereof convicted before  
any two or more justices of the peace for the county where the  
fact is committed, by the oath of two credible witnesses, shall  
be deemed and taken to be *ipso facto* cashiered, and shall be ut-  
terly

terly disabled to have or hold any civil or military office or employment within this kingdom or in his Majesty's service; provided the said conviction be affirmed at the next quarter-sessions of the peace for the said county, and a certificate thereof transmitted to the judge advocate, who is hereby obliged to certify the same to the next court-martial.

XV. And whereas his Majesty has been graciously pleased, in compassion to the distressed condition of several widows of officers of the army who have lost their lives in the service of the late war or during the late rebellion, by orders made under his royal sign manual, to direct his commissary general of the musters, to allow upon the muster rolls of all the regiments, troops and companies, a number of fictitious names therein mentioned, instead of private men, in order to raise and settle a fund for the maintenance of such widows of officers as are or shall be intitled to his royal bounty: therefore, for the more effectually fulfilling his Majesty's said gracious intentions, with respect to the allowing of fictitious names upon the muster-rolls of the said marine forces, while on shore, for the purposes aforesaid, be it further enacted and declared by the authority aforesaid, That it shall and may be lawful, during the continuance of this act, to and for the said lord high admiral or three or more of the said commissioners for executing the said office of lord high admiral for the time being, by orders in writing under his or their respective hand or hands, to direct the person for the time being, authorized to pay the said marine forces, to pay over the full pay of such fictitious private men as shall be allowed on the muster-rolls of the said marine forces while on shore, as aforesaid, to the proper receiver appointed by his Majesty, according to such orders and instructions as his Majesty shall be pleased to make under his sign manual, for the purposes aforesaid; and that no allowance of any such fictitious name upon any muster-roll of the said marine forces while on shore, as aforesaid, shall be construed to be a false muster; any thing in this or any former act contained to the contrary notwithstanding.

XVI. And whereas at this time, and during the continuance of this act, there is and may be occasion for the marching and quartering of the said marine forces in several parts of this kingdom: be it further enacted by the authority aforesaid, That for and during the continuance of this act, and no longer (in pursuance of an order or orders in writing in that behalf, under the hand of the said lord high admiral or under the hands of three or more of the commissioners for executing the office of lord high admiral for the time being) it shall and may be lawful to and for the constables, tythingmen, headboroughs and other chief officers and magistrates of cities, towns and villages and other places within England, Wales and the town of Berwick upon Tweed, and in their default or absence, for any one justice of the peace inhabiting in or near any such city, town, village or place, and for no others; and such constables and other civil magistrates as aforesaid are hereby required to quarter and billet the marines,

Fictitious  
names allowed  
by order up-  
on the muster-  
rolls, for the  
maintenance  
of officers wi-  
dows not to  
be construed  
a false muster.  
Paymaster to  
pay the full  
pay of such  
men to the  
receiver.

Constables,  
&c. to quarter  
officers and  
men in inns,  
ale-houses, &c.

rines, both officers and private men in his Majesty's service, in inns, livery stables, ale-houses, victualling-houſes and all houses of persons ſelling brandy, ſtrong waters, cyder or metheglin by retail, to be drank in houſes ; other than and except the houſe or houſes of any diſtillers who keep houſes or places of diſtilling brandy and ſtrong waters, and the houſe of any ſhop-keeper, or ſhopkeep-er whose principal dealings ſhall be more in other goods and mer-chandizes than in brandy and ſtrong waters (ſo as ſuch diſtillers and ſhopkeepers, do not permit or ſuffer tipling in his or their houſes) and in no other, and in no private houſes whatſoever ; nor ſhall any more billets at any time be ordered, than there are effective marines present to be quartered ; and if any constable, tythingman or ſuch like officer or magistrate as aforesaid, ſhall prejuſume to quarter or billet any ſuch officer or private man in any ſuch private houſe, without the con-ſent of the owner or occupier, in ſuch caſe ſuch owner or occupier ſhall have his or their remedy at law againſt ſuch magistrate or officer, for the damage that ſuch owner or occu-pier ſhall ſustain thereby ; and if any military officer ſhall take upon him to quarter private men, otherwise than is limited and allowed by this act, or ſhall uſe or offer any menace or compulſion to any mayors, conſtables or other civil officers before-men-tioned, tending to deter and diſcourſe any of them from per-forming any part of their duty hereby required or appointed, ſuch military-officer ſhall, for every ſuch offence (being thereof convicted before any two or more of the next juſtices of the peace of the county, by the oath of two credible witneſſes) be deemed and taken to be *ipſo factō* cashiered, and ſhall be utterly diſabled to have or hold any military employment within this kiŋgdom or in his Maſtety's ſervice ; provided the ſaid conviction be affirmed at the next quarter ſeffions of the peace of the ſaid county, and a certiſcate thereof be transmitted to the judge advocate, who is hereby obliged to certify the ſame to the next court-martial ; and in caſe any person ſhall find himſelf aggrieved, in that ſuch conſtable, tythingman or headborough chief officer or magistrate (ſuch chief officer or magistrate not being a juſtice of the peace) has quartered or billeted in his houſe a greater number of marines than he ought to bear, in proportion to his neighbours, and ſhall complain thereof to one or more juſtice or juſtices of the peace of the diſtrict, city, or liberty, where ſuch marines are quartered ; or in caſe ſuch chief officer or magistrate ſhall be a juſtice of the peace, then on complaint made to two or more juſtices of the peace of ſuch diſtrict, city or liberty, ſuch juſtices respectively ſhall have, and have hereby power to relieve ſuch person, by ordering ſuch and ſo many of the ſaid marines to be removed, and quartered upon ſuch other person or persons as they ſhall ſee cauſe ; and ſuch other person or persons ſhall be obliged to receive ſuch marines accordingly.

XVII. Provided nevertheless, and it is hereby enacted, That the marine officers and private men ſo quartered and billeted as aforesaid, ſhall be received and furnished with diet and ſmall beer

Officers and  
marines to be  
furnished at  
the rates here-  
before

Persons ag-  
grieved by be-  
ing quartered  
on, may com-  
plain to any  
juſtices, and  
be relieved.

But in no diſ-  
tillers houſes,  
or shopkeep-  
ers, or in any  
private houſes.

Penalty on  
conſtables, &c.  
quartering  
them in pri-  
vate houſes,

Penalty on  
officer's quar-  
tering men  
contrary to  
this act, &c.

in set for their beer, by the owners of the inns, livery stables, ale-houses, victualling-houses and other houses, in which they are allowed to be quartered and billeted by this act, paying and allowing for the same, the several rates herein after mentioned, to be payable out of the subsistence-money, for diet and small beer.

What inn-holders may allow soldiers to find themselves,

In such case, men to find their own victuals, and to receive their full pay.

Penalty on officers taking money, to excuse quartering.

No paymaster, &c. to make deductions out of officers or soldiers pay, &c.

Exceptions.

XVIII. Provided always, That in case any innholder or other person, on whom any non-commission officers or private men shall be quartered by virtue of this act (except on a march, or employed in recruiting, and likewise except the recruits by them raised, for the space of seven days at most, for such non-commission officers and private men, who are recruiting and recruits by them raised) shall be desirous to furnish such non-commission officers or private men, with candles, vinegar and salt, and with either small beer or cyder, not exceeding five pints for each man *per diem gratis*; and allow to such non-commission officers or private men the use of fire, and the necessary utensils for dressing and eating their meat, and shall give notice of such his desire to the commanding officer, and shall furnish and allow the same accordingly; then and in such case the non-commission officers and private men so quartered shall provide their own victuals; and the officer to whom it belongs to receive or that does actually receive the pay and subsistence of such non-commission officers and private men, shall pay the several sums herein after mentioned to be payable out of the subsistence-money, for diet and small beer to the non-commission officers and private men aforesaid, and not to the innholder or other person on whom such non-commission officers and private men are quartered; any thing herein contained to the contrary notwithstanding.

XIX. Provided always, and be it enacted by the authority aforesaid, That if any officer shall take or cause to be taken, or knowingly suffer to be taken, any money of any person for excusing the quartering of officers or private men or any of them, in any house allowed by this act, every such officer shall be cashiered and be incapable of serving in any military employment whatsoever.

XX. And be it further enacted by the authority aforesaid, That from and after the twenty fifth day of March one thousand seven hundred and fifty five, no paymaster or other officer or person whatsoever shall receive any fees, or make any deductions whatsoever out of the pay of any marine, either officer or private man in his Majesty's service or from their agents, which shall grow due from and after the said twenty fifth day of March one thousand seven hundred and fifty five, other than the usual deductions for clothing, and twelve pence in the pound to be disposed of as his Majesty shall think fit, and the one day's pay in the year for the use of the royal hospital at Chelsea, and such other necessary deductions as shall from time to time be directed by the said lord high admiral, or three or more of the commissioners for executing the said office of lord high admiral, for the time being, by order in writing under his or their respective hand or hands.

XXI. And,

XXI. And, that the quarters both of the said marine officers and private men, while on shore as aforesaid, may during the continuance of this act, be duly paid and satisfied, and his Majesty's duties of excise better answered; be it enacted by the authority aforesaid, That from and after the twenty fifth day of March one thousand seven hundred and fifty five, every officer or other person to whom it belongs to receive or that shall actually receive the pay or subsistence-money, for one or more particular company or companies of the said marine forces or otherwise, shall immediately upon each receipt of every particular sum, which shall from time to time be paid, returned or come to his or their hands, on account of pay or subsistence, give publick notice thereof to all persons keeping inns or other places where officers or private men are quartered by virtue of this act, and shall also appoint the said innkeepers and others to repair to their quarters, at such times as they shall appoint, for the distribution and payment of the said pay or subsistence-money to such officers or private men, which shall be within four days at the farthest after the receipt of the same as aforesaid; and the said innkeepers and others shall then and there acquaint such officer or officers with the accounts of debts (if any shall be) between them and the officers and private men so quartered in their respective houses; which accounts the said officer or officers are hereby required to accept of, and immediately pay the same before any part of the said pay or subsistence be distributed, either to the officers or private men, provided the said accounts exceed not for one marine commission officer, under the degree of a captain, for such officer's diet and small beer, *per diem*, one shilling; and if such officer shall have a horse or horses, for each such horse or horses, for their hay and straw, *per diem*, six quarters.

Rates of subsistence to be paid to innkeepers, &c. for soldiers

pence; nor for one marine private man's diet and small beer, four pence; and if any officer or officers as aforesaid, shall not give notice as aforesaid, and shall not immediately upon producing such account stated, satisfy, content and pay the same, upon complaint and oath made thereof, by any two witnesses, at the next quarter sessions for the county or city where such quarters were (which oath the justices of the peace at such sessions are hereby authorized and required to administer) the paymaster or person for the time being authorized to pay the said marine forces, is hereby required and authorized (upon certificate of the said justices before whom such oath was made, of the sum due upon such accounts, and the persons to whom the same is owing) to pay and satisfy the said sums out of the arrears due to the said marine officer or officers, upon penalty that such paymaster or person shall forfeit their respective place or places of paymaster or otherwise, and be discharged from holding the same for the future, and in case there shall be no arrears due to the said officer or officers, then the said paymaster or person for the time being authorized to pay the said marine forces, is hereby authorized and required to deduct the sums he shall pay pursuant to the certificate of the said justices, out

Officers not giving notice of subsistence-money and paying quarters.

Paymaster to satisfy them out of officers arrears,

or deduct it out of his pay.

of the next pay or subsistence-money of the company to which such officer or officers shall belong ; and such officer or officers shall, for such their offence, or for neglecting to give notice of the receipt of such pay or subsistence-money as aforesaid, be deemed and taken, and are hereby declared *ipso facto* cashiered.

On moving from quarters the officer to make up accounts, and give certificates for money due, &c.

Paymaster to pay the sum certified.

Officers, &c. to be quartered in Scotland as the laws in force at the union direct.

Justices to order constables to provide carriages for soldiers on their march.

**XXII.** And where it shall happen that the subsistence-money due to any marine officer or private man, shall by occasion of any accident not be paid to such officer or private man, or such officer or private man shall neglect to pay the same, so that quarters cannot be or are not paid as this act directs, in every such case it is hereby further enacted, That every such officer shall before his or their departure out of his or their quarters, where such company shall remain for any time whatsoever, make up the accounts as this act directs, with every person with whom such company shall have quartered, and sign a certificate thereof, and give the said certificate so by him signed to the party to whom such money is due, with the name of such company to which he or they shall belong ; to the end the said certificate may be forthwith transmitted to the proper paymaster of the marines, who is hereby required immediately to make payment thereof to the person or persons to whom such monies shall be due, to the end the same may be applied to such company, under pain as is before in this act directed for non-payment of quarters.

**XXIII.** And be it enacted by the authority aforesaid, That it shall and may be lawful to quarter officers and private men in *Scotland* in such and the like places and houses as they might have been quartered in by the laws in force in *Scotland* at the time of the union ; and that the possessors of such houses shall only be liable to furnish the said officers and private men quartered there, as by the said laws in force at the time of the union was provided ; and that no officer shall be obliged to pay for his lodging, where he shall be regularly billeted, except in the suburbs of *Edinburgh*.

**XXIV.** And be it further enacted by the authority aforesaid, That for the better and more regular provision of carriages for his Majesty's marine forces in their marches, or for their arms, clothes and accoutrements, in *England*, *Wales*, and the town of *Berwick upon Tweed*, all justices of the peace within their several counties, ridings, divisions, shires, liberties and precincts, being duly required thereunto by the said lord high admiral, or three or more of the commissioners for executing the said office of lord high admiral for the time being, by an order in writing under his or their respective hand or hands, shall as often as such order shall be brought and shewn unto one or more of them by the officer or officers of the company or companies of marines so ordered to march, issue out his or their warrants to the high constables, or petty constables of the division, riding, city, liberty, hundred or precinct, from, through, near or to which such company or companies shall be ordered to march, requiring them to make such provision for carriages, with able men to drive

drive the same, as shall be mentioned in the said warrant, allowing them ſufficient time to do the ſame, that the neighbouring parts may not always bear the burthen; and in case ſufficient carriages cannot be provided within any ſuch riding, city, liberty, hundred, division or precinct, then the next justice or justices of the peace of the county, riding or division, ſhall, upon ſuch order as aforesaid being brought or ſhewn to one or more of them by any of the marine officers aforesaid, issue his or their warrants to the high constables or petty constables of ſuch next county, riding, liberty, division or precinct, for the purposes aforesaid, to make up ſuch deficiency; and the aforesaid officer or officers, who by virtue of the aforesaid warrant from the juſtices of the peace, are to demand the carriage or carriages there-in mentioned of the high constable or petty constable to whom the warrant is directed, is and are hereby required at the ſame Rates for time to pay down in hand to the ſaid conitablie or petty conitablie, carriages. for the uſe of the person who ſhall provide ſuch carriages and men, the ſum of one ſhilling for every mile any waggon with five horses ſhall travel, and the ſum of one ſhilling for every mile any wain with ſix oxen, or four oxen with two horses ſhall travel; and the ſum of nine pence for every mile any cart with four horses ſhall travel; and ſo in proportion for leſſ carriages; for which reſpective ſums ſo received, the ſaid constable or petty constable is hereby required to give a receipt in writing to the perſon or perſons paying the ſame; and ſuch constable or petty constable ſhall order and appoint ſuch perſon or perſons having carriages within their reſpective liberties, as they ſhall think proper, to provide and furnish ſuch carriages and men, according to the warrant aforesaid, who are hereby required to provide and furnish the ſame accordingly: and if any marine officer or officers, for the uſe of whose company or companies the carriage Penalty on of- was provided, ſhall force and constrain any waggon, wain, cart ficers forcing or carriage, to travel more than one day's journey, or ſhall not waggons to discharge the ſame in due time for their return home, or ſhall travel more than one day's ſuffer any marine or ſervant (except ſuch as are ſick) or any journey, &c. woman, to ride in the waggon, wain, cart or carriage aforesaid, or ſhall force any constable or petty constable by threatenings or menacing words to provide ſaddle-horses for themſelves or ſervants, or ſhall force horses from the owners, by themſelves, ſervants or private men, every ſuch officer, for every ſuch offence, ſhall forfeit the ſum of five pounds, proof thereof being made upon oath before two of his Maſteſty's juſtices of the peace of the ſame county or riding, who are to certify the ſame to the proper paymaster of his Maſteſty's marine forces, who is hereby required to pay the aforesaid ſum of five pounds according to the order and appointment under the hands and ſeals of the aforesaid juſtices of the peace of the ſame county or riding, and is also hereby impowered to deduct the ſame out of ſuch officer's pay.

XXV. And be it enacted by the authority aforesaid, That if any high constable or petty constable ſhall wilfully neglect or re-  
fuse

neglect to refuse to execute such warrants of the justices of the peace as shall vide carriages, be directed unto them for providing carriages as aforesaid, or if any person or persons appointed by such constable or petty constable to provide or furnish any carriage and man, shall refuse or neglect to provide the same, or any other person or persons whatsoever shall wilfully do any act or thing whereby the execution of the said warrants shall be hindered or frustrated, every such constable, or other person or persons so offending shall, for every such offence, forfeit any sum not exceeding forty shillings, nor les than twenty shillings, to the use of the poor of the parish where any such offence shall be committed; and all and every such offence and offences shall and may be enquired of, heard and fully determined, by two of his Majesty's justices of the peace dwelling in or near the place where such offence shall be committed, who have hereby power to cause the said penalty to be levied by distress and sale of the offender's goods and chattels, rendering the overplus (if any) to the owner.

**XXVI.** And whereas the respective sums of money by this act appointed to be paid to the constables by the officers demanding such carriages, may not, in many cases, be sufficient to answer the charge and expence of providing the same, whereby the said constables may be frequently at great charges, over and above what is received by them of the said officers, to the great burthen of the township of which he is constable, or else the persons performing such carriages may be grievously oppressed: to prevent which, and that such overplus charge may be borne by each county or riding, at the general charge of such county or riding, be it further enacted by the authority aforesaid, That the treasurer or treasurers of each respective county or riding shall, without fee or reward, pay unto such constable all and every such reasonable sum or sums of money, so by him paid or laid out for such carriages, over and above what was or ought to have been paid by the marine officer requiring such carriages, out of the publick stock of such county or riding, according to such rates, orders, rules and directions, as the said justices of the peace in their quarter sessions assembled, within their respective jurisdictions, shall from time to time, during the continuance of this act make, direct and appoint (which orders shall be made without fee or reward) regard being always had to the season of the year, and the length and condition of the ways by and through which such carriages are to travel.

Treasurers of  
the county to  
repay the con-  
stables extra-  
ordinary  
charges.

**XXVII.** And in case the said publick stock of the county or riding be not sufficient (over and above the other purposes for which it was raised) to satisfy the extraordinary charge of carriages before-mentioned; it is hereby further enacted, That the <sup>The money for</sup> said justices of the peace, in their general quarter sessions, shall have power from time to time to raise monies upon their respective counties or ridings, in such manner as they now raise monies for county gaols and bridges, to satisfy the said extraordinary charge of carriages.

**XXVIII.** Pro-

**XXVIII.** Provided always, and be it further enacted, That No waggon, no waggon, wain, cart or carriage, impressed by authority of &c. to carry this act, shall be liable or obliged by virtue of this act to carry above twenty hundred weight, any thing in this act contained to the contrary notwithstanding.

**XXIX.** And be it further enacted, That the carriages for Carriages in the service of the marine forces quartered or marching in Scotland how land, shall be provided in like manner, and at the rates, and to be provided the furnisher of such carriages shall be paid, as was directed by the law in force in Scotland at the time of the union.

**XXX.** And whereas several marines, who being duly entered, may afterwards desert and be found wandering, or otherwise absenting themselves illegally from his Majesty's service; it is hereby further enacted, That it shall and may be lawful to and for the constable, headborough or tythingman, of the town or place where any person who may be reasonably suspected to be such a deserter shall be found, to apprehend or cause him to be apprehended, and to cause such person to be brought before any justice of the peace living in or near such town or place, who hath hereby power to examine such suspected person; and if by his confession, or the testimony of one or more witness or witnesses upon oath, or by the knowledge of such justice of the peace, it shall appear or be found that such suspected person is a marine duly entered, and ought to be with the company to which he belongs, such justice of the peace shall forthwith cause him to be conveyed to the gaol of the county or place where he shall be found, or to the house of correction, or other publick prison, in such town or place where such deserter shall be apprehended, or to the Savoy in case such deserter shall be apprehended within the cities of London or Westminster, or places adjacent, and transmit an account thereof to the secretary of the admiralty for the time being, to the end such person may be proceeded against according to law; and the keeper of such gaol, house of correction or prison, shall receive the full subsistence of such deserter or deserters, during the time that he or they shall continue in his Gaol-keeper custody, for the maintenance of the said deserter or deserters, to receive the but shall not be intitled to any fee or reward on account of the imprisonment of such deserter or deserters; any law, usage or custom, to the contrary notwithstanding.

**XXXI.** And, for the better encouragement of any person or persons to secure or apprehend such deserters aforesaid; be it further enacted by the authority aforesaid, That such justice of the peace shall also issue his warrant in writing to the collector or collectors of the land tax money of the parish or township where such deserter shall be apprehended, for paying out of the land tax money arisen or to arise in the year one thousand seven hundred and fifty five, into the hands of such person who shall apprehend or cause to be apprehended any deserter from his Majesty's service, the sum of twenty shillings for every deserter that shall be so apprehended and committed; which sum of twenty

ſhillings ſhall be ſatisfied by ſuch collector to whom ſuch warrant ſhall be directed, and allowed upon his account.

**Penalty on concealing deferters, or buying their arms, clothes, &c.**

XXXII. Provided always, That if any person ſhall harbour, conceal or affit any defertor from his Maſtety's marine ſervice, knowing him to be ſuch, the perſon ſo offendinſhall forfeit for every ſuch offence the ſum of five pounds; or if any perſon ſhall knowingly detain, buy or exchange, or otherwiſe receive any arms, clothes, caps or other furniture belonging to the King, from any marine or defertor, upon any account or pretenſe whatſoever, or cauſe the colour of ſuch clothes to be changed, the perſon ſo offendinſhall forfeit for every ſuch offence the ſum of five pounds; and upon conviction, by the oath of one or more credible witness or witnesses, before any one or more of his Maſtety's juſtices of the peace, the ſaid reſpective penalties of five pounds, and five pounds, ſhall be levied by warrant under the hands of the ſaid juſtice or juſtices of the peace, by diſtreſs and ſale of the goods and chattels of the offender; one moiety of the ſaid firſt-mentioned penalty of five pounds to be paid to the informer, by whose means ſuch defertor ſhall be apprehended; and one moiety of the ſaid laſt-mentioned penalty of five pounds to be paid to the informer, and the reſidue of the ſaid reſpective penalties to be paid to the officer to whom any ſuch defertor or marine did belong: and in caſe any ſuch offender who ſhall be convicted as aforesaid of harbouring or affiſting any ſuch defertor or defertors, or having knowingly received any arms, clothes, caps or other furniture belonging to the King, or of having cauſed the colour of ſuch clothes to be changed, contrary to the intent of this act, ſhall not have ſufficient goods and chattels whereon diſtreſs may be made to the value of the penalties recovered againſt him for ſuch offence, or ſhall not pay ſuch penalties within four days after ſuch conviction, then, and in ſuch caſe, ſuch juſtice or juſtices of the peace ſhall and may, by warrant under his or their hand and ſeal, or hands and ſeals, either commit ſuch offender to the common gaol, there to remain without bail or mainprize, for the ſpace of three months, or cauſe ſuch offender to be publickly whipped, at the diſcretion of ſuch juſtice or juſtices.

**Application of fender; one moiety of the ſaid firſt-mentioned penalty of five pounds to be paid to the informer, by whose means ſuch defertor ſhall be apprehended; and one moiety of the ſaid laſt-mentioned penalty of five pounds to be paid to the informer, and the reſidue of the ſaid reſpective penalties to be paid to the officer to whom any ſuch defertor or marine did belong: and in caſe any ſuch offender who ſhall be convicted as aforesaid of harbouring or affiſting any ſuch defertor or defertors, or having knowingly received any arms, clothes, caps or other furniture belonging to the King, or of having cauſed the colour of ſuch clothes to be changed, contrary to the intent of this act, ſhall not have ſufficient goods and chattels whereon diſtreſs may be made to the value of the penalties recovered againſt him for ſuch offence, or ſhall not pay ſuch penalties within four days after ſuch conviction, then, and in ſuch caſe, ſuch juſtice or juſtices of the peace ſhall and may, by warrant under his or their hand and ſeal, or hands and ſeals, either commit ſuch offender to the common gaol, there to remain without bail or mainprize, for the ſpace of three months, or cauſe ſuch offender to be publickly whipped, at the diſcretion of ſuch juſtice or juſtices.**

**For want of diſtreſs, offender to be committed.**

XXXIII. Provided always, That ſo much of this act as relates to the punishment of ſuch who ſhall harbour, conceal or affiſt deferters, or ſhall knowingly detain, buy, exchange or otherwiſe receive, any arms, clothes, caps or other furniture, belonging to the King, from any marine or defertor, or cauſe the colour of ſuch clothes to be changed, ſhall extend to all ends and purpoſes whatſoever to Ireland, and ſhall be put in execution in that kingdom by all juſtices of the peace, and other officers reſpectively, according to the tenor, and during the continuance of this act.

**The preceding clause to extend to Ireland also.**

XXXIV. And be it further enacted by the authority aforesaid, That this act, and every thing herein contained, ſhall be and continue in force from the ſaid twenty fifth day of March in the year of our Lord one thouſand feuen hundred and fifty

**Continuance of this act.**

five, until the twenty fifth day of *March* in the year of our Lord one thousand seven hundred and fifty six.

XXXV. And to prevent as far as may be any unjust or fraudulent arrests that may be made upon marines, whereby his Majesty and the publick may be deprived of their service; it is hereby further enacted by the authority aforesaid, That no person whatsoever who is entered, or shall enter himself as a volunteer in his Majesty's service as a marine, during the continuance of this act, shall be liable to be taken out of his Majesty's service, by any process or execution whatsoever, other than for some criminal matter, unless for a real debt, or other just cause of action, and unless before the taking out of such process or execution (not being for a criminal matter) the plaintiff or plaintiffs therein, or some other person or persons on his or their behalf, shall make affidavit before one or more judge or judges of the court of record, or other court out of which such process or execution shall issue, or before some person authorized to take affidavits in such courts, that to his or their knowledge the original sum justly due and owing to the plaintiff or plaintiffs, from the defendant or defendants, in the action or cause of action on which such process shall issue, or the original debt for which such execution shall be issued out, amounts to the value of ten pounds at least, over and above all costs of suit in the same action, or in any other action on which the same shall be grounded, a memorandum of which oath shall be marked on the back of such process or writ, for which memorandum or oath no fee shall be taken; and if any person shall nevertheless be arrested contrary to the intent of this act, it shall and may be lawful for one or more judge or judges of such court, upon complaint thereof made by the party himself, or by any his superior officer, to examine into the same by the oath of the parties, or otherwise, and by warrant under his or their hands and seals to discharge such marine so arrested, contrary to the intent of this act, (without paying any fee or fees) upon due proof made before him or them, that such marine so arrested was legally entered as a marine in his Majesty's service, and arrested contrary to the intent of this act, and also to award to the party so complaining, such costs as such judge or judges shall think reasonable, for the recovery whereof he shall have the like remedy that the person who takes out the said execution might have had for his costs, or the plaintiff in the like action might have had for the recovery of his costs, in case judgment had been given for him with costs, against the defendant in the said action.

XXXVI. And to the end that honest creditors who aim only at the recovery of their just debts, due to them from persons entered as marines into his Majesty's service, may not be hindered from suing for the same, but on the contrary may be assisted and forwarded in their suits, and instead of an arrest, which may at once hurt the service, and occasion a great expence and delay to themselves, may be enabled to proceed in a more speedy

No volunteer liable to process, unless for some criminal matter; or a real debt of the value of £1. of which oath to be made before a judge,

and a memorandum thereof marked on the back of the process;

otherwise prisoner to be discharged, with costs.

Plaintiff giving notice may file a common appearance,

and proceed to judgment and execution.

Justices may order constables to give an account of the number of officers, and private men, and where quartered.

Officers and private men while on board the King's ships to be governed according to 22 Geo. 2. c. 33.

and cheap method; be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any plaintiff or plaintiffs, upon notice first given in writing of the cause of action to such person or persons so entered, or left at his or their last place of residence, before such entering, to file a common appearance in any action to be brought for or upon account of any debt whatsoever, so as to intitle such plaintiff to proceed therein to judgment and outlawry, and to have an execution thereupon, other than against the body or bodies of him or them so entered as aforesaid; this act or any thing herein, or any former law or statute to the contrary notwithstanding.

XXXVII. And for the better preventing abuses in quartering or billeting marines in pursuance of this act; be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any one or more justice or justices of the peace within their respective counties, cities or liberties, by warrant or order under his or their hand and seal, or hands and seals, at any time or times during the continuance of this act, to require and command any high constable, constable, bedel or other officer, who shall quarter or billet any marines in pursuance of this act, to give an account in writing unto the said justice or justices requiring the same, of the number of officers and private men who shall be quartered or billeted by them, and also the names of the house-keepers or persons upon whom every such officer or private man shall be quartered or billeted, together with an account of the street or place where every such house-keeper dwells, and of the signs (if any) belonging to their houses, to the end it may appear to the said justice or justices where such officers and private men are quartered or billeted, and that he or they may thereby be the better enabled to prevent or punish all abuses in the quartering or billeting of them.

XXXVIII. Provided always, and it is hereby declared, That all his Majesty's marine forces, as well officers as private men, shall from time to time, during their being respectively borne as part of the complement of any of his Majesty's ships or vessels, be subject and liable, in like manner, in all respects as any officers or seamen employed in his Majesty's sea service are subject and liable to be governed, according to the purport, tenor, effect and true intent and meaning of an act of parliament made in the twenty second year of his present Majesty's reign, intituled, *An act for amending, explaining and reducing into one act of parliament, the laws relating to the government of his Majesty's ships, vessels and forces by sea*; this present act, or any thing herein contained notwithstanding.

## C A P. XII.

*An act to explain and amend a clause in an act made in the fifth year of the reign of Queen Anne, intituled, An act for the better preservation of the game, in relation to the selling or offering to sale any game.*

WHEREAS by an act of parliament made in the fifth year of her late majesty Queen Anne, intituled, An act for the better preservation of the game; it was enacted, That if any biglar, chapman, carrier, innkeeper, victualler or alehouse-keeper, ſhould have in his custody or poſſeſſion, or ſhould buy, ſell or offer to ſell, any hare, pheasant, partridge, moor, heath-game or grouſe, every ſuch biglar, chapman, innkeeper, victualler, alehouse-keeper or carrier, (unless ſuch game in the hands of ſuch carrier be ſent up by perſon or perſons qualified to kill the game) ſhall, upon conviction of ſuch offence, forfeit for every hare, pheasant, partridge, moor, heath-game or grouſe, the ſum of five pounds, one half to be paid to the informer, and the other to the poor of the parish where the offence was committed: and where-as doubts have arifen with reſpect to the meaning of the word chapman, whereby the intent of the ſaid act hath been in ſome degree de-feated; be it therefore enacted by the King's moft excellent ma-jesty, by and with the advice and conſent of the lords spiritual and temporal and commons in this preſent parliament assem-bled, and by the authority of the ſame, That if any perſon or persons whatſoever, whether qualified or not qualified to kill any game, ſhall ſell, expoſe or offer to ſale, any hare, pheasant, partridge, moor, heath-game or grouſe, every ſuch perſon or persons ſhall, for every ſuch offence, be ſubjeſt and liable to the act, on hi-game forfeitures, pains and penalties, as are inflicted by the ſaid recited act upon biglars, chapmen, carriers, innkeepers, vi-cuitual-lers or alehouse-keepers, for buying, fell-ing or offering, of game to ſale.

II. And be it further enacted by the authority aforesaid, That if any hare, pheasant, partridge, moor, heath-game or grouſe, ſhall be found in the ſhop, house or poſſeſſion of any poult erer, ſalesman, fishmonger, cook or paſtry-cook, the ſame ſhall be adjudged, deemed and taken to be an expoſing thereof to ſale within the true intent and meaning of this act, and the ſaid recited act, or any other act; which ſaid forfeitures ſhall be recovered, and ſuch penalties inflicted, by ſuch means, and in ſuch manner, and from and within ſuch time, and ſhall be ap-plied to ſuch uſes, as are preſcribed by the ſaid recited act, or by any other act or acts ſince made for the pa-reſervation of the game; any thing in the ſaid recited act, or any other law or ſtatute to the contrary thereof in any wiſe notwithstanding.

## C A P. XIII.

*An act for relief of insolvent debtors.*

WHEREAS many perſons, by laſes and other miſfortunes, are rendered incapable of paying their whole debts; and

thoug they are willing to make the utmost satisfaction they can, are nevertheless detained in prison by their creditors; and whereas such unhappy debtors have always been deemed the proper objects of publick compassion, and by several acts of parliament have been discharged: for the relief therefore of insolvent prisoners who shall faithfully discover upon oath, and deliver up and assign all their effects and estates whatsoever for the benefit of their creditors; and to prevent, as far as possible, the many frauds and abuses which in a great measure have obstructed the good ends of such acts; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That all and every sheriff or sheriffs, gaoler or keeper of any prison or prisons, in any county, riding, division, city, town and liberty, within this kingdom respectively, shall, and is or are hereby empowered and required to take and make a true, exact and perfect list, alphabetically, of the name or names of all and every person or persons, who, upon the first day of January one thousand seven hundred and fifty five, was or were really a prisoner or prisoners, in the actual custody of any such sheriff or sheriffs, gaoler or gaolers, or keeper of any prison respectively, upon any process whatsoever, for or by reason of any debt, damages, costs, sum or sums of money, and of the time when such prisoner or prisoners were charged in custody, and received in prison, together with the name or names of the person or persons at whose suit such prisoner or prisoners is or are detained; and shall deliver the same to the justices at their first general or quarter sessions of the peace, to be held after the thirty first day of March one thousand seven hundred and fifty five, for such county, riding, division, city, town and liberty respectively; and shall, in open court, take an oath to the effect following; that is to say,

**I** A. B. upon my corporal oath, in the presence of Almighty God, solemnly swear, protest and declare, That all and every person and persons, whose name or names are inserted and contained in the foregoing list, by me now delivered and subscribed, were, to the best of my knowledge and belief, upon the first day of January one thousand seven hundred and fifty five, really and truly prisoners, in actual custody, in the prison or gaol of \_\_\_\_\_ at the suit or suits of the several persons therein respectively mentioned; and that all and every of them have really and truly continued and remained in actual custody ever since; and that the said list is a true, exact, perfect and just list, of all such persons as were really and truly prisoners in actual custody in the said gaol or prison of \_\_\_\_\_ on the said first day of January one thousand seven hundred and fifty five.

So help me GOD.

Which oath the said justices, at the general or quarter sessions, in open court, are hereby empowered to administer; the words of

Alphabetical  
list to be made  
out of pris-  
oners in custo-  
dily for debt,  
on 1 Jan.  
1755.

with the time  
when charg-  
ed, and at  
whose suit.

To be deliver-  
ed into quar-  
ter-sessions,  
on oath.

of which oath shall be entered or written at the end or bottom of every such list so delivered and subscribed in open court, by every such sheriff, gaoler or keeper respectively; which list so subscribed and sworn unto, shall be kept by the clerk of the peace of every such county, riding, division, city, town or liberty respectively, for the better satisfaction of the said justices, and information of all creditors, and to be seen without fee or reward.

List to be  
Kept by the  
clerk of the  
peace.

II. And, to the end that no such poor prisoner may be defeated of his or her discharge, according to the true intent and meaning of this act, by having his, her or their name or names left out of the said lists so to be delivered, be it further enacted by the authority aforesaid, That all and every such sheriff and sheriffs, gaoler or gaolers, or keeper of any prison, is and are hereby required to fix up, in the most conspicuous place or places in every such prison, and at the most frequented and usual gate, door, or entrance into every such prison, three or more true copies of the list or lists to be delivered at the said general or quarter sessions, or any adjournment thereof, ten days before the said sessions; and if any such sheriff or sheriffs, gaoler and gaolers, keeper or keepers of any such prison, shall, in any such list to be delivered in as aforesaid, neglect or refuse to insert the name of any prisoner or prisoners who was or were actually in custody in their prison on the said first day of *January* one thousand seven hundred and fifty five, the person or persons so neglecting or refusing to insert the same, shall, for every such name or names so omitted, incur and be subject to such penalty or penalties as are herein after imposed or laid on every such sheriff or sheriffs, gaoler or gaolers, keeper or keepers, who shall neglect or refuse to make out, fix up, or deliver such list as aforesaid; to be recovered in the same manner, and to be applied to such use and uses, as are herein after directed for the recovery and application of the penalty, in case of such neglect or refusal to make out such list as aforesaid.

Copies of the  
list to be affix-  
ed within the  
prisons, and  
on the gates.

Penalty of not  
delivering in,  
&c. perfect  
lists.

III. And be it further enacted by the authority aforesaid, That all and every person and persons whose names shall be inserted in such lists, to be delivered in as aforesaid, who upon the first day of *January* one thousand seven hundred and fifty five, were really and truly prisoners in the actual custody of any sheriff or sheriffs, gaoler or gaolers, or keeper of any prison respectively of this kingdom, who shall take the oath herein after mentioned, shall and may be for ever released and discharged from their imprisonment, in such manner as hereafter is provided; that is to say, it shall and may be lawful for any justice or justices of any county, riding, division, city, town or liberty, within this kingdom (upon the petition of such prisoner or prisoners) by warrant under his and their hands and seals, to require the said sheriff or sheriffs, gaoler or gaolers, or keeper of any such prison, within his or their respective jurisdictions, to bring before the justices at the next general or quarter sessions of the peace, or any adjournment thereof, to be held next after the ex-

Persons in-  
serted in the  
lists, and con-  
forming to  
this act, to be  
discharged by  
the justices.

Prisoner to  
deliver in a  
schedule of  
his estate,  
debts, and  
debtors.

expiration of ten days from the date of the said warrant, for such respective county, riding, division, city, town or liberty, the body of any person being in the said prison as aforesaid, with the warrant or warrants of his or her detainer, together with a copy or copies of the cause or causes which he, she or they, is or are charged with, in the several gaols or prisons as aforesaid, at the time aforesaid; which warrant of the said justice or justices every such gaoler or keeper is hereby commanded to obey; and such prisoner coming before such justices at the said general or quarter sessions, or any adjournment thereof, shall in open court subscribe and deliver in a schedule of his or her whole estate, real and personal, either in possession, reversion or remainder, or held in trust for him or her, or for his or her benefit or advantage, and the names of his or her several debtors, and the several sums of money from them respectively secured or owing, upon any specialty, contract, or other account whatsoever, and the names and places of abode of the several persons from whom such debts are due and owing, and of the witnesses who can prove such debts or contracts (if there be any such) and make oath, and swear to the effect following; that is to say,

*I A. B. upon my corporal oath, in the presence of Almighty God, do solemnly swear, protest, and declare, That on the first day of January one thousand seven hundred and fifty five, I was a prisoner within the prison of \_\_\_\_\_ in the actual custody of the gaoler or keeper of the said prison of \_\_\_\_\_ at the suit of \_\_\_\_\_*

*without my consent or procurement, and without any fraud or collusion whatsoever; and that the schedule now delivered, and by me subscribed, doth contain, to the best of my knowledge, remembrance, and belief, a full, just, true and perfect account and discovery of all the goods, effects and estates, real and personal, either in possession, reversion or remainders, or in trust for me, or for my benefit or advantage, unto me in any wise belonging or appertaining; and such debts as are to me owing, or to any person or persons in trust for me; and of all the securities and contracts, whereby any money now is, or will or may hereafter become payable, or any benefit or advantage accrue to me, or to my use, or to any person or persons in trust for me, and the names and places of abode of the several persons from whom such debts are due and owing, and of the witnesses that can prove such debts or contracts; and that neither I, nor any other person or persons in trust for me, have lands, money, stock or any estate, real or personal, in possession, reversion or remainder, other than what are in the said schedule contained, except wearing apparel, bedding for myself and family, working tools, and necessary implements for my occupation and calling, and these in the whole not exceeding the value of ten pounds; and that I have not, no any body for me, directly or indirectly sold, lisened or otherwise conveyed, disposed of in trust or concealed, all or any part of my land, money, goods, chattles, stock, debts, securities, contracts or estate real or personal, where-*

whereby to ſecure the ſame, or to receive or expect any profit or ad-  
vantage thereof, or to defraud or deceive any creditor or creditors to  
whom I am indebted, in any wife howſoever.

So help me GOD.

And which ſaid ſchedule, being ſo ſubſcribed in the preſence of the juſtices, in open court and ſeſſions aforēſaid, is to remain with the clerk of the peace, for the better information of all the creditors of ſuch paſtoner; and all the estate, right, title, interest and truſt of ſuch paſtoner, of, in, and unto ſuch real estate, as well copy or cuſtomary held, as freehold, and ſuch personal eſtate, debts and effects, contained in ſuch ſchedule as aforēſaid, and all other the real and personal eſtate of ſuch paſtoner, ſhall immeſimediately after the diſcharge of ſuch paſtoner, be and is hereby veſted in the clerk of the peace of and for the county, riding, city or town corporate, who is hereby direc̄ed and auſthorized by order of the juſtices at their general or quaſter ſeſſions of the peace ſo held as aforēſaid, to make an aſſignment of the eſtate and effects to ſuch of the creditors of the ſaid paſtoner, as the major part of the ſaid creditors of the ſaid paſtoner, who ſhall apply for the ſame, by any writing under their hands, ſhall direct and appoint (which aſſignment ſo made as aforēſaid, ſhall be a good and effectual aſſignment in law to all intents and purpoſes whatſoever; and for the execution of which the ſaid clerk of the peace ſhall take a fee of two ſhillings; and no more) in truſt for themſelves, and the rest of the creditors; which ſaid aſſignee or aſſignees is and are hereby im‐ poWered to ſue in his, her, or their own name or names for, and to recover and receive the ſame; and also to execute any truſt or power veſted in, or created for the uſe or benefit of ſuch paſtoner, for the uſe and benefit of themſelves, and the rest of ſuch creditors; and to give ſufficient diſcharge and diſcharges to ſuch reſpective debtor or debtors; and fully to diſdivide the ſaid paſtoner's eſtate and effects, or the monies arifing from the ſale or diſpoſition thereof (ſuch ſale or diſpoſition to be approved of by the major part of the ſaid creditors in writing as aforēſaid) among the creditors of ſuch paſtoner, who, within one month after notice of ſuch intended dividend published in the *Lond. Gazette*, ſhall produce to ſuch aſſignee or aſſignees, an affidavit made before one or more juſtice or juſtices of the peace, who and are hereby im‐ poWered to take the ſame, proving his or her debt due from the ſaid paſtoner ſo diſcharged, in equal proportions, according to their reſpective debts; and after the ſame is recovered and received, to render the overplus, if any ſhall be (their own debts and charges firſt deducted) to the paſtoner, his executors, or administrators.

IV. Provided always, That all and every ſuch aſſignee and aſſignees of every copyhold or cuſtomary eſtate of ſuch paſtoner ſtates to com‐ as aforēſaid, ſhall, before ſuch time as he or they, or any of them, ſhall enter, or take any profit thereof, agree and com‐ pound with the lord or lords of the manor or manors, of whom the ſame ſhall be holden, for ſuch fine or income, upon any fur‐

Schedule to be lodged with clerk of the peace,

who is to aſſign over the effects to al‐ſignees,

for benefit of creditors.

Aſſignees of

copyhold e‐

states to com‐

the lord of

the manor;

render

render and admission, as heretofore have been most usual and accustomed to be paid; and that, upon every such agreement or composition, the said lord or lords for the time being, at the next court to be holden for the said manor or manors, shall grant unto the said assignee or assignees the copyhold or customary estate, by copy of court-roll, according to the custom of the said manor or manors, for and during the estate and interest to him or them so assigned as aforesaid; reserving the rents, duties, heriots, customs and services, to which the said copyhold or customary estate was subject and liable at the time of the said assignment; and shall also, at the same court, admit the said assignee or assignees, tenant or tenants of the same, according to the custom of the said manor or manors.

**Copyhold, &c.  
to be there-  
upon granted  
them.**

**Estate in ex-  
pectancy not  
affected by  
this act.**

**Effects, where  
rent is due,  
to be assigned  
to landlord;**

**unless the af-  
signees satisfy  
the landlord.**

V. Provided also, That nothing herein contained shall extend to prejudice or affect any estate or interest, or right whatsoever of any other person or persons than the said prisoner, which may be expectant upon or subject unto, the estate or interest of the said prisoner hereby vested in the said clerk of the peace; but that the estate, interest and all rights whatsoever, of every such person or persons as aforesaid, shall remain and continue in the same manner as if this act had not been made.

VI. Provided always, and be it enacted by the authority aforesaid, That where any rent, not exceeding two years rent, shall be due to any person or persons from such prisoner or prisoners at the time of his or their respective discharges in respect to any messuages, lands or tenements then in lease to such prisoner or prisoners respectively, for life or lives, for years, at will or otherwise, no goods or chattles then lying or being in or upon the respective tenements so in lease or liable to be distrained, shall be assigned by the clerk of the peace in manner aforesaid, but shall by such clerk of the peace be transferred to such landlord or landlords, or some person or persons intrusted for him or them respectively, towards satisfaction of the rent then due, not exceeding two years rent as aforesaid, unless the person or persons to whom such assignment shall be made by such clerk of the peace, shall, by writing under his or their respective hands and seals, before such assignment, agree to pay or satisfy to such landlord or landlords the rent to him or them respectively due, not exceeding two years rent as aforesaid, to the intent that such landlord or landlords may be satisfied the rent or rents to him or them respectively due, before any division of the estate or effects of such prisoner or prisoners among his other creditors, in like manner as he or they might be satisfied the rent to him or them respectively due before the removal of such goods and chattles by virtue of an execution by force of the statute made in the eighth year of her late Majesty's reign, intituled, *An act for the better security of rents, and to prevent frauds committed by tenants;* any thing herein before contained to the contrary thereof in any wise notwithstanding.

VII. Provided also, and be it enacted by the authority aforesaid, That nothing in this act shall extend or be construed, to hinder

hinder or prevent any mortgage or mortgages upon the estate of such prisoner or prisoners or any part thereof, to take place upon the lands, tenements or hereditaments, comprised in such mortgage or mortgages respectively; nor to prevent any statute-staple, statute-merchant, recognizance or judgment, acknowledged by or obtained against, any such prisoner or prisoners, to take place upon the lands, tenements or real estate of such prisoner or prisoners; and also where any inquisition shall have been taken upon any such statute or recognizance, or any writ of execution shall have been taken out, and delivered to the sheriff or proper officer, upon any such judgment, before such assignment made by the clerk of the peace, as aforesaid, upon his or their personal estate respectively, preferable and prior to any division of the estate and effects of such prisoner or prisoners among his other creditor or creditors, for so much as shall remain really due upon such mortgage, statute, recognizance or judgment respectively, in like manner as such mortgagees and creditors by statute, recognizance or judgment, would have been preferred to other creditors of an inferior nature, against the real or personal estate of such prisoner and prisoners respectively, if this act had not been made; any thing herein before contained to the contrary thereof in any wise notwithstanding.

Mortgages,  
&c. not at-  
tected.

VIII. And whereas many persons who may be intitled to and claim the benefit of this act, are seized and possessed of lands, tenements and hereditaments, to hold to such prisoners for the term of their natural lives, with power of granting leases (for fines reserving small rents) on such estates for one, two or three lives, in possession or reversion, or for some number of years, determinable upon lives, which said powers ought to be executed for the benefit of the creditors of such prisoners: Power in pri-  
be it therefore enacted by the authority aforesaid, That in every soner of  
such case, all and every the powers of leasing such lands, tene- leasing lands,  
ments and hereditaments, which are or shall be vested in or &c. to vest in  
claimed by any such prisoner or prisoners as aforesaid, shall be assignees.  
and are hereby vested in the assignee or assignees of the real and personal estate of such prisoner by virtue of this act, to be by such assignee or assignees executed for the benefit of all and every the creditors of such prisoners, as aforesaid.

IX. And be it further enacted by the authority aforesaid, Prisoners in-  
That all and every prisoner and prisoners who shall so petition tending to  
to be discharged under this act, as aforesaid, shall cause publick take the bene- notice to be inserted in three several *London Gazettes*, pre- fit of this act,  
vious to such general or quarter sessions, or any adjournment in London to give notice  
thereof, at which the said prisoner and prisoners shall apply to Gazette.  
be discharged, containing the name, trade or occupation, and  
two last places of abode, if so many, of every such prisoner  
and prisoners, and the prison wherein he, she or they is or  
are confined, and of his, her or their intention to take the be-  
nefit of this act, and mentioning such notice in each Gazette, to  
be the first, second and third notice, according to the time of  
publishing each of such notices; for each of which said several  
notices, there shall be paid by each prisoner two pence, and no Fee for the  
more fine.

more; the first of which said notices shall be so inserted in the said *Gazette*, thirty days at least, and the last of the said notices, ten days at least before such general or quarter sessions so held as aforesaid, so that as well all the credito's who have not charged the said prisoner or prisoners in custody, as those creditors who have charged such prisoner or prisoners, may have sufficient notice as aforesaid; and in case it shall be proved either upon oath, or by producing the said three *Gazettes*, before the said justices at their said sessions, that the said publick notices were so inserted in the *London Gazette*, in manner as herein before is directed; and that the said person or persons so petitioning was or were actually a prisoner or prisoners on the said first day of January one thousand seven hundred and fifty five; and the oath taken by the said prisoner or prisoners be not disproved by good testimony of any credible person or persons on oath, to be administered by the said justices, then the said justices in their said general or quarter sessions, or any adjournment thereof, or the major part of them being satisfied therewith, shall thereupon, by order of the said sessions, command the said sheriff or sheriffs, gaoler or gaolers, or keeper of any such prison or prisons, forthwith to set at liberty such prisoner or prisoners, without having or taking any fee or reward, other than one shilling for his or their attendance with such prisoner or prisoners at such general or quarter sessions, or any adjournment thereof, in order for his, her or their discharge; which sum of one shilling such sheriff or sheriffs, gaoler or gaolers, keeper or keepers of such prison or prisons, are hereby authorized and impowered to receive and take for the purposes aforesaid, and no more; which order shall be a sufficient discharge to the sheriff or sheriffs, gaoler or gaolers or keeper of such prison or prisons, and shall indemnify him or them against any escape or escapes, or action or actions whatsoever, which shall or may be brought, commenced or prosecuted against him or them by reason thereof.

Court, if required by creditor, to administer an oath to the gaoler.

X. And be it further enacted by the authority aforesaid, That any court of general or quarter sessions, which, pursuant to the true intent and meaning of this act, shall make any order for the discharge of any prisoner or prisoners aforesaid, shall, if required by any creditor or creditors, who shall oppose such prisoner's discharge, administer and give such sheriff or sheriffs, gaoler or gaolers, keeper or keepers of such prison or prisons, wherein the said prisoner or prisoners is or are, an oath to the following effect; that is to say,

**I** A. B. do swear, That was really  
 and truly my prisoner in my custody, in the prison of to the best of my knowledge and belief, at or up-  
 on the first day of January one thousand seven hundred and fifty five; on the first day of January one thousand seven hundred and fifty five;  
 and the warrant or warrants of his or her detainer, and the copy or and the warrant or warrants of his or her detainer, and the copy or  
 copies of the cause or causes, now by me brought with the body of the copies of the cause or causes, now by me brought with the body of the  
 said is the warrant of his or her

*her detainer ; and is or are a true copy or copies, without any fraud or deceit by me, or by any other to the best of my knowledge.*

So help me GOD.

XI. Provided always, and be it enacted by the authority a-  
foresaid, That if such person or persons, as was the sheriff or Gaolers who  
sheriffs, gaoler or gaolers, or keeper of such gaol or prison on were not so  
the said first day of January one thousand seven hundred and 1755, to take  
fifty five, shall not happen to be the sheriff or sheriffs, gaoler or the following  
gaolers or keeper of such gaol or prison, at the time of making oath.  
such order, that the said general or quarter sessions, held as a-  
foresaid, if required as aforesaid, shall administer and give to  
such persons as shall be sheriffs, gaolers or keepers of such prison  
or prisons, at the time of making such order an oath touching  
the commitments, or books of commitment, to the effect fol-  
lowing ; that is to say.

I A. B. do swear, That I have examined the commitments, or books  
kept of or concerning the commitment of prisoners to the prison of  
in the county of

and I verily believe, that the said commitments or  
books of commitment, are really true, and not fictitious, nor calculated  
for this purpose ; and by them it does appear, that  
was, on the first day of January  
one thousand seven hundred and fifty five, really and truly a prisoner in  
the actual custody of the then  
sheriff, gaoler or keeper of the said prison, without fraud or deceit by  
me, or the said or  
any other person or persons to my knowledge.

So help me G O D.

XII. And whereas great numbers of workmen skilful in the several  
trades and manufactures of this kingdom, and also many able seamen  
and mariners, finding themselves unable to satisfy the whole of their  
respective debts, and dreading the miseries of a gaol, have chose to leave  
their employments and native country, and have entered themselves in  
foreign service : and whereas their continuance abroad must be of great  
prejudice to the trade of this kingdom : in order therefore to enduce Debtors who  
and enable such persons to return ; be it enacted by the autho- were beyond  
rity aforesaid, That all and every debtor and debtors, who was sea on 1 Janu-  
or were actually beyond the seas in foreign parts on the said first 1755, surren-  
day of January one thousand seven hundred and fifty five, who dering, and  
shall return and surrender himself or themselves unto the gaoler conforming,  
or gaolers, keeper or keepers, of the prisons of the King's Bench, benefit of this  
*Marshalsea or Fleet*, or to the prison or prisons of such county or act.  
counties where such debtor or debtors last dwelt for the space of  
six months (which said gaoler or gaolers, keeper or keepers, are  
hereby required and impowered to receive and detain such debtor  
or debtors surrendering as aforesaid, in order to their discharge,

as herein after-mentioned) shall, from and immediately after such surrender as aforesaid, be deemed a prisoner or prisoners without, and be to all intents and purposes intitled to the benefit of this act, and shall upon due proof of the said premisses, by the oath of such debtor or debtors (not disproved by any credible witness) be discharged in the same manner, as if he, she or they, had been actually in prison on the said first day of January one thousand seven hundred and fifty five, and continued therein as aforesaid, subject nevertheless to the same restrictions and provisions, and upon compliance with the same terms, conditions and qualifications, herein before imposed upon the said prisoners actually in custody upon the said first day of January one thousand seven hundred and fifty five, and also subject to the terms and provisions, relating to the estate and effects of such prisoner as aforesaid, excepting only such particulars thereof, as require the name of a prisoner to be inserted in the sheriff's, gaolers or keepers list as aforesaid, or relate to the oaths of such sheriff, gaoler or keeper herein before appointed to be taken; which particulars cannot possibly be applied to the case of persons surrendering themselves as aforesaid; and also except the said oath herein before appointed to be taken by prisoners in custody upon the said first day of January one thousand seven hundred and fifty five, instead whereof the said person or persons so surrendering shall take an oath to the effect following, which the said justices, authorized to put this act in execution, are hereby required and impowered to administer, in such manner as the oaths herein before-mentioned are to be administered.

Fugitive's  
oath.

**I** A. B. do, upon my corporal oath, in the presence of Almighty God, solemnly swear, protest, and declare, That I was actually, on the first day of January one thousand seven hundred and fifty five, beyond the seas in foreign parts, videlicet, at

and that the schedule now delivered, and by me subscribed, doth contain, to the best of my knowledge, remembrance, and belief, a full, just, true and perfect account and discovery, of all the estate, goods, and effects to me in any wise belonging; and such debts as are to me owing, or to any person or persons in trust for me; and of all the securities and contracts, whereby any money now is, or will or may hereafter become payable, or any benefit or advantage accrue to me or to my use, or to any other person or persons in trust for me; and the names and places of abode of the several persons from whom such debts are due and owing, and of the witnesses that can prove such debts or contracts; and that neither I, nor any other person or persons in trust for me, have land, money, stock or any estate, real or personal, in possession, reversion or remainder, other than what are in the said schedule contained, except wearing apparel, bedding for myself and family, working tools, and necessary implements for my occupation and calling, and these in the whole not exceeding the value of ten pounds; and that I have not directly or indirectly sold, lessened or otherwise conveyed, disposed of in trust, or concealed, all or any part of my land, money, goods, chattles, stocks, debts, securities, contracts or estates

estates real or personal, whereby to secure the same, or to receive or expect any profit or advantage thereof, or to defraud or deceive any creditor or creditors to whom I am indebted, in any wife howſoever.

So help me G O D.

XIII. And be it farther enacted by the authority aforesaid, That if any sheriff or sheriffs, gaoler or gaolers or keeper of any prison, shall without just caufe to be approved of by the ſaid juſtices, refue or delay to bring any ſuch prisoner or prisoners Gaoler and as aforesaid, to the ſaid general or quarter ſeffions, in order to his printer of or her diſcharge, or ſhall neglect or refue to make out and de- Gazette, not liver ſuch lists as aforesaid, or to take any of the ſaid oaths be- complying fore-mentioned, or ſhall upon any account or preteſce whatſoever take or receive more than the ſaid ſum of one ſhilling herein be- with the regu- take allowed for his or her attendance, in order to be diſcharged to the paſſer of ſuch prisoner or prisoners as aforesaid, or ſhall detaine the 100l. and tre- prisoner after he or ſhe ſhail be diſcharged as aforesaid; or if the printer of the *London Gazette* ſhall wilfully refue or neglect to insert therein the name, trade, occupation and laſt place of abode of ſuch prisoner, on reasonable requeſts to him made for that purpose, or ſhall take or receive any fee or gratuity more than two pence as aforesaid for ſo doing, every ſuch sheriff, gaoler and keeper of ſuch prison or prisons, and ſuch printer of the *London Gazette*, ſhall respectively forfeit and pay to each prisoner the ſum of one hundred pounds, which ſhall and may be recovered with treble coſts of ſuit, by action of debt, bill, plaint or information, in any of the courts of record at *Westminster*; wherein no eſſoin, protection or wager of law, or more than one imparlance ſhall be allowed.

XIV. And be it further enacted by the authority aforesaid, Gaolers con- That if any ſuch ſheriff or ſheriffs, gaoler or gaolers or keeper vieted of per- of any prison, ſhall, in taking any of the afore-mentioned oaths, to for- oaths, forſwear or perjure himſelf, and ſhall thereof be lawfuſly convicted, ſuch ſheriff, gaoler or keeper of ſuch prison or prisens (over and above ſuch penalties as may be inflicted on persons convicted of perjury) ſhall, upon every ſuch conviction, forfeit 50l. to the attignees. forfeiit and pay the ſum of five hundred pounds, to be recovered with full coſts, by bill, plaint or information, or action of debt, in any of his Maieſty's courts of record at *Westminster*, wherein no eſſoin, protection, wager of law or other delay to be allowed, by and in the name of ſuch persons, their executors and administrators, as ſhall in purſuance of this act be appointed attignees of the estate and effects of the prisoner or prisoners, for diſcharging of whom ſuch perjury ſhall be committed; and for want of ſuch attignees, in the name or names of any other creditor or creditors, who ſhall ſue for the ſaid penalties; to be applied one moiety to the informer or informers, and the other moiety towards ſatisfaction of the debts of ſuch his creditor or creditors.

XV. And be it further enacted by the authority aforesaid,  
VOL. XXI.

Gaolers insert. That if any person who now is or was on the first day of Ja-  
 ing wrong nuary one thousand seven hundred and fifty five, sheriff or gaol-  
 names, &c. to er or keeper of any prison, shall insert in any list or lists deli-  
 vered as aforesaid, the name or names of any person or persons  
 who was or were not prisoner or prisners, actually in custody  
 on the said first day of January one thousand seven hundred and  
 fifty five, according to the tenor of the said oath taken at the  
 time of delivering in such lists, every such sheriff, gaoler or  
 keeper, shall, for every name so inserted as aforesaid, forfeit and  
 pay the sum of two hundred pounds, to be recovered in the  
 same manner, and applied to the same use or uses, as herein be-  
 fore directed for the recovery of the said penalty and forfeiture  
 in case of conviction of perjury.

XVI. And be it further enacted by the authority aforesaid,

Clerk of the peace refusing to give prison. That if any clerk of the peace shall delay or refuse to give every or any such prisoner, so discharged as aforesaid, within ten days after his or her discharge, a copy of the order of his or her discharge, on the payment of two shillings and six pence, or shall take more than the said sum of two shillings and six pence for such copy, every clerk of the peace so offending shall forfeit and pay to every such prisoner, the sum of twenty pounds, to be ordered to be paid by the justices of the peace at their general or quarter sessions of the peace, who are hereby impowered to levy the same by distress and sale of the goods of the person so offending.

Prisoner convicted of per-  
 jury, to suffer as a felon. XVII. And be it further enacted by the authority aforesaid,  
 That if any prisoner, as aforesaid, or any person or persons en-  
 jury, to suffer abled to take the benefit of this act, shall forswear or perjure  
 himself, herself or themselves, in any of the matters aforesaid,  
 and shall be lawfully convicted of wilful perjury, he or she shall  
 be adjudged a felon, and suffer as such, without benefit of clergy.

Prisoners dis-  
 charged by  
 this act, not  
 liable to im-  
 prisonment  
 for debts, &c.  
 contracted be-  
 fore 1 Jan.  
 1755.

XVIII. And be it further enacted by the authority aforesaid,  
 That no person to be discharged by this act shall, at any time hereafter, be imprisoned by reason of any judgment or decree obtained for payment of money only, or for any debt, damages, contempts, costs, sum or sums of money, contracted, incurred, occasioned, owing or growing due, before the said first day of January one thousand seven hundred and fifty five; but that upon every arrest upon every judgment, or such decree, or for such debts, damages, contracts, costs, sum and sums of money, it shall and may be lawful for any judge of the court where the process is sued, upon shewing the copy of the order of such prisoner's discharge or discharges, to release and discharge out of custody such prisoner or prisoners, as aforesaid; and the judge is hereby impowered so to do, so as every such prisoner or prisoners arrested or detained upon execution or mesme process, do give a warrant of attorney to appear to every such action, and to plead thereunto.

Gaoler may  
 plead the ge-  
 neral issue a-

XIX. And be it further enacted by the authority aforesaid,  
 That if any action of escape or any suit or action, be brought  
 against

against any justice or justices of the peace, sheriff, gaoler or gaist suits keeper of any prison, for performing their office, in pursuance for escape of of this act, they may plead the general issue, and give this act prisoners. <sup>for escape of</sup>  
 & evidence; and if the plaintiff be nonsuited or discontinue his action, or verdict pass against him, or judgment upon demurrer, the defendant shall have treble costs; provided that the discharge of any person, by virtue of this act, shall not acquit any other person from such debt, sum or suins of money, to acquit o- or any part thereof, but that all others shall be answerable for thers answer- the same, in such manner as they were before the passing of able for the this act. <sup>Treble costs.</sup> <sup>Discharge of</sup> <sup>prisoner, not</sup> <sup>to acquit o-</sup> <sup>able for the</sup> <sup>faine debt.</sup>

XX. Provided always, and be it enacted by the authority Debts and aforesaid, That notwithstanding the discharge of the person of judgment: to such prisoner or prisoners as aforesaid, all and every debt or stand good a- debts due or owing from the said prisoner or prisoners, and all gaint prison- and every judgment or judgments had and taken, and decree effects. and every judgment or judgments had and taken, and decree effects.  
 obtained against him or her, shall stand, and be good and ef- fectual in law, to all intents and purposes, against the lands, tenements and hereditaments, goods and chattels of the said prisoners so discharged as aforesaid, which he, she or they, or any other person or persons in trust for him, her or them, at the time of such discharge hath or have, or at any time here- after shall or may be any wife seised or possessed of, interested in, or intitled to, either in law or equity; except his, her or their Wearing ap- wearing apparel, bedding for his, her or their families, and part, bedding, working tools and implements necessary for his, her or their oc- and working cupations, not exceeding the value of ten pounds in the whole; tools, except- and it shall and may be lawful to and for such creditor or cre- and creditor ditors of such prisoner or prisoners so discharged as aforesaid, may take out his, her or their executors or administrators, to take out a new <sup>and</sup> <sup>a new exe-</sup> execution against the lands, tenements and hereditaments, execution. goods and chattels of such prisoner or prisoners (except as be- fore excepted) for the satisfaction of his, her or their debts, in such sort, manner or form, as he, she or they might have done, if the person or persons of such prisoner or prisoners had never been in execution; any act, statute, law or custom, to the con- trary in any wise notwithstanding.

XXI. Provided also, That it shall and may be lawful for any Person<sup>s</sup> dis- charged by this act, in case any *Sure facias*, or action charged in<sup>y</sup> brought on<sup>1755</sup> plead general- of debt, shall be brought against him or her upon any judgment obtained against him or her, or statute or recognizance acknow- ledged by him or her, before the said first day of *January* one thousand seven hundred and fifty five, with respect to prisoners in actual custody, or with respect to debtors beyond the seas, as aforesaid, upon the said first day of *January* one thousand seven hundred and fifty five, to plead generally in discharge of his or her person or persons from execution, that he or she was actually a prisoner in<sup>in</sup> such prison, at such a person's suit, or was or were beyond the seas in foreign parts, on the said first day of *January* one thousand seven hundred and fifty five, and was or were duly discharged according to this act at the ge- <sup>1755, &c.</sup> <sup>judgment,</sup> <sup>&c. before i.</sup>

neral or quarter sessions held at such time and place for such county, riding, division, liberty, city, town or place (as his, her or their case is) without pleading any matter specially; and in case any other suit or action shall be commenced against him, her or them, for any other debt, sum or sums of money, due before the said first day of January one thousand seven hundred and fifty five, to plead in discharge of his or her person from execution (over and above such matters as aforesaid) that such debt, or sum of money (as the case shall happen) was contracted or due before the said first day of January one thousand seven hundred and fifty five, without pleading any other matter specially, whereto the plaintiff shall or may reply generally, and deny the matters pleaded as aforesaid, or reply any other matter or thing which may shew the said defendant not to be intitled to the benefit of this act, or not duly discharged according to it, in the same manner as the plaintiff might have replied in case the defendant had pleaded this act, and his discharge by virtue of this act, specially; and if the plaintiff be nonsuited, discontinue his action, or verdict pass against him, or judgment on demurrer, the defendant to have treble costs.

**Bankrupts not obtaining certificates,**

XXII. Provided always, and be it enacted by the authority aforesaid, That no person against whom a commission of bankrupt hath been awarded and issued out, and who hath not already obtained his certificate, and discharge of his debts, in pursuance of, and in such manner, as is directed by some or one of the acts of parliament now in force, relating to or concerning bankrupts, or shall not obtain such certificate and discharge before such time as he shall be brought before the justices of the peace, at their general or quarter sessions held as aforesaid, in order to be discharged in pursuance of this act, shall have or receive any benefit or advantage of or under this act, nor be deemed to be within the meaning thereof.

**not to be benefited by this act.**

**Attorneys, &c. embezzling, &c. clients money, not to be benefited.**

XXIII. Provided always, That nothing in this act contained shall extend, or be construed to extend, to release or discharge any attorney at law or solicitor, or any other person or persons acting or pretending to act as such, with regard to any debt w th which he or they shall stand charged for any money or other effects recovered and received by him or them, for the use of any person or persons, bodies corporate or politick, and by any attorney, solicitor or other person or persons acting as such, embezzled, concealed or converted to his or their own use; any thing herein contained to the contrary thereof in any wise notwithstanding.

**Not to extend to Scotland.**

XXIV. Provided always, That this act shall not extend to that part of Great Britain called Scotland.

**Gaoler to permit persons to speak with prisoners who are inserted in the list or Gazette;**

XXV. And be it further enacted by the authority aforesaid, That every sheriff, gaoler or keeper of any prison, shall, and is hereby required to suffer, in the day-time, any person or persons desiring the same, to see and speak in the lodg , or some convenient room of the said prison, with any prisoner or prisoners, whose names are inserted in the afore-mentioned list or lists

lists or *London Gazette*, or either of them, or any persons surrendering themſelves puruant to this act; and also ſee, in the and to ſee true and genuine books of the ſaid prison, the entries made of the books of the name or names of ſuch prisoner or prisoners, together with entries, the name or names of the person or persons at whose ſuit or ſuits he, ſhe or they are detained; and if any ſuch ſheriff, gaoler or keeper, shall neglect or refuse to comply with what is here above required, ſuch ſheriff, gaoler or keeper, shall forfeit and pay to the person ſo refused and aggrieved the ſum of forty pounds, over and above all the penalties provided by any other former law now in being, to be recovered with costs of ſuit, by action of debt, bill, plaint or information, in any of the courts of *Westminster*, wherein no eſſoin, protection, wager of law, or more than one imparlance ſhall be allowed.

**XXVI.** And be it further enacted by the authority aforesaid, That if any prisoner, being thereunto required by any creditor, ſhall refuse to discover and declare the trade or occupation and habitation, or last place of abode, of the person or persons at whose ſuit he or ſhe are detained; or being called for, ſhall, without reasonable cause, refuse to come to the lodge of the prison where he or ſhe is detained; every ſuch prisoner ſhall, upon proof thereof before the juſtices at the general or quarter ſeffions held as aforesaid, be incapable of receiving any benefit by this act; any thing herein contained to the contrary thereof in any neſted wife notwithstanding.

**XXVII.** And be it further enacted by the authority aforesaid, That if any ſheriff, gaoler or keeper of any prison or prisons, ſhall make or caufe to be made, any false entries in any book or books belonging to the ſaid prison, or ſhall prepare or keep, or caufe to be prepared and kept, any false books, in order for ſuch false entries, ſuch ſheriff, gaoler or keeper, ſhall, over and above the penalties which may be inflicted for ſuch fraud, forgery or corruption, forfeit and pay the ſum of one thouſand pounds, to be recovered, with treble costs of ſuit, by and in the name of any person or persons to whose prejudice ſuch false entries ſhall in any wife tend, by action of debt, bill, plaint or information, in any of his Maſteſty's courts of record at *Westminster*, wherein no eſſoin, protection, or wager of law, or more than one imparlance ſhall be allowed.

**XXVIII.** Provided also, and be it enacted by the authority aforesaid, That all and every prisoner and prisoners petitioning to be diſcharged by this act, ſhall, at the time of ſuch petitioning, leave with the juſtice or juſtices petitioned, a true copy of the ſchedule, containing his or her intended discovery, to be ſworn unto at the general or quarter ſeffions aforesaid; which copies ſhall be transmitted to the reſpective clerks of the peace, and there to be ſeen, without fee or reward, by any creditor deſiring the ſame.

**XXIX.** And whereas there is but one common or county gaol for each of the reſpective counties of York and Lincoln, which ſaid counties are each of them diuided into three ſeveral ridings or diui-

Justices for  
Com' York  
and Lincoln  
to meet at  
their respect-  
ive gaols for  
discharge of  
prisoners.

Persons con-  
fined for fees,  
and other de-  
mands of the  
gaoler, &c.  
to be discharg-  
ed.

Debtors to the  
crown except-  
ed ;  
and prisoners  
who owe above  
500l. to one  
person, unless  
creditor con-  
sent.  
Creditor op-  
posing the  
discharge, to  
allow prisoner  
3s. 6d. per  
week.

On nonpay-  
ment, prisoner  
to be dis-  
charged.

No discharges  
to be obtain-  
ed after 31  
March 1757.

Where pri-  
soner has been  
removed, gaol-

fions, all which have several commissions of the peace; and if the gaoler of those gaols be obliged to carry the debtors prisoners therein, to the quarter sessions of each riding or division, the same will be a very great charge, not only to such gaolers, but also to the prisoners, in those large counties: be it therefore enacted by the authority aforesaid, That it shall and may be lawful for two or more justices of the peace for each of the said ridings and divisions, in their respective counties, at the common or county gaol thereof respectively, to assemble and meet, and to hold session there by adjournment from their respective quarter-sessions, from time to time, for the discharge of their respective prisoners therein, according to the powers, limitations, and directions of this act.

XXX. And be it further enacted by the authority aforesaid, That all debtors and others, who were in prison on or before the said first day of January one thousand seven hundred and fifty five, in the several gaols of this kingdom, for want of paying their fees, rents, charges or any other demands, due to the keeper or gaoler of any prison respectively, or to any other officer (and upon no other account) shall be discharged, he, she or they, taking the oath by this act required to be taken by prisoners.

XXXI. Provided always, That this act shall not extend to discharge any person out of prison, seeking his or her discharge under this act, with respect to any debt with which he or she shall stand charged at the suit of the crown, or shall be indebted to any body politick or corporate, or to any one person, in any sum exceeding the sum of five hundred pounds, besides interest and costs, unless such body politick or corporate or creditor, shall consent thereto; and if any such body politick or corporate or creditor, to whom a sum exceeding five hundred pounds shall be owing, shall oppose the discharge of such prisoner, and shall insist that such prisoner be continued in gaol; that then, and in such case, such body politick or corporate or creditor or creditors, opposing the said prisoner's discharge as aforesaid, shall, at his, her or their proper costs and charges, allow and pay such a weekly maintenance to the said prisoner, not exceeding three shillings and six pence per week, in such manner as the said justices in their general or quarter sessions shall order; and upon non-payment of the same for the space of six weeks, the said prisoner, upon application to the said justices in their general or quarter sessions held as aforesaid, shall be discharged pursuant to the intent and meaning of this act.

XXXII. Provided also, That every person and persons, intitled or to be intitled to the benefit of this act, shall obtain their respective discharges on or before the thirty first day of March one thousand seven hundred and fifty seven, or to be for ever excluded from all benefit thereof.

XXXIII. And whereas several persons who were confined in prison on the said first day of January one thousand seven hundred and fifty five, may have been removed to some other prison, by process of law; be it enacted, That the gaoler of the prison wherein any such prisoner was confined on the said first day of January one thou-

thousand seven hundred and fifty five, shall make affidavit of such confinement, and shall transmit such affidavit, to be attest-<sup>er in whose</sup> ed on oath, to the sessions where such prisoner may claim to be <sup>custody he was on 1 Jan.</sup> discharged; and it shall<sup>d</sup> and may be lawful for the justices of to make affi-<sup>t</sup> the peace, at such sessions as aforesaid, upon such oath as afore-<sup>davit of his</sup> said, and upon such prisoner's performing all other matters re-<sup>confinement.</sup> quired in this act, to discharge such prisoner.

**XXXIV.** *And whereas the prisons of the Fleet and King's Bench, being the prisons of and belonging to the superior courts, and for the most part containing such prisoners as brought themselves thither by Habeas Corpus from other prisons, or have surrendered themselves into custody in discharge of their bail, which could not be done without their own consent or procurement:* be it therefore enacted by the fleet or authority aforesaid, That every person so coming to either of those prisons, whether by *Habeas Corpus* or voluntary surrender in discharge of bail, and being qualified to take the benefit of this act in all respects, according to the true intent and meaning thereof, shall be discharged, or intitled to any other benefits arising thereby, on taking the oath that is herein prescribed for each prisoner to take, omitting only the words [*without my consent or procurement*] and with respect to their being a prisoner or prisoners, in either of said prisons above-mentioned only; any thing herein contained to the contrary notwithstanding.

**XXXV.** *And whereas it may happen, that several persons, who may claim and be intitled to the benefit of this act, are seised of an estate tail in some freehold or copyhold lands, tenements or hereditaments; which entail, with the remainders thereupon expectant, they have by law power to defeat and bar, either by levying a fine or fines, suffering a common recovery or common recoveries, or by surrenders thereto; and thereby such persons said freehold or copyhold lands, tenements or hereditaments, shall be liable to the payment of their debts, and be delivered up according to the terms of this act, for the benefit of their creditors:* be it therefore enacted by the authority aforesaid, That in every such case, such person or persons so seised as aforesaid, and who shall be intitled to, and claim the benefit of this act, shall, to all intents and purposes whatsoever in law, be deemed and taken, and is and are hereby declared to be seised of such lands, tenements and hereditaments, in fee-simple; and the same shall be delivered up to the creditor or creditors, in the same manner as if such person or persons had actually levied a fine, suffered a common recovery or recoveries, or made a surrender or surrenders thereof, and thereby had become seised in fee-simple; any law or construction of law, to the contrary thereof in any wise notwithstanding.

**XXXVI.** *And whereas many prisoners who may be intitled to, and claim the benefit of this act, have been great dealers, or otherwise engaged in large transactions, whereby they may be intitled to sundry and great debts and demands of various and intricate natures; and they may be intitled to equities of redemption of estates subject and liable to mortgages, judgments or other incumbrances, or to reversions, remainders or other contingent estates in lands, tenements or*

Prisoners seis-  
ed of estates  
tail, &c. to  
deliver up the  
same to credi-  
tors.

*bereditaments, or to other trusts or interests in estates, both real and personal, which may not be sufficiently described or discovered in the schedule or inventory before directed to be delivered in upon oath by the prisoner to be discharged as aforesaid, on which may want his aid or assistance to adjust, make out, recover or manage, for the benefit of the creditors: be it therefore provided and enacted by the authority aforesaid, That it shall and may be lawful to and for the respective assignees of the estate and effects of such prisoner or prisoners, who shall obtain his, her or their discharge in pursuance of this act, or any other person or persons duly authorized by them for that purpose, from time to time, to apply to any two or more of the justices of the peace for the county, riding, division, city, town or liberty, where such prisoner or prisoners shall be then residing, thereby desiring, that such prisoner or prisoners may be further examined as to any matters or things relating to his, her or their estate or effects; whereupon such justices shall send for or call before them, such prisoner or prisoners, by such warrant, summons, ways or means, as they shall think fit; and, upon such prisoners appearing, shall examine him, her or them, as well upon oath as otherwise, as to such matters and things as such assignee shall desire, relating to the estate or effects of such prisoner or prisoners; and if any prisoner or prisoners (on payment, or tender of payment, of such reasonable charges as such justices shall judge sufficient) shall neglect or refuse to come and appear, not having a lawful excuse, to be made known to such justices, and by them allowed; or being come before them, shall refuse to be sworn, or to answer to all such questions as by such justices shall be put to him, her or them, relating to the discovery of his, her or their estate or effects, so vested or intended to be vested in such clerk of the peace, or in such assignees as aforesaid; that then it shall and may be lawful to and for such justices, by warrant under their hands and seals, to apprehend such prisoner or prisoners so offending as aforesaid, and him, her or them, to commit to the county gaol, there to remain without bail or mainprize, until such time as he, she or they shall submit him, her or themselves, to such justices, and answer, upon oath, to all such questions as shall, by such justices, be put to him, her or them, for the purposes aforesaid.*

**Assignees of  
prisoners dis-  
charged, may  
apply for fur-  
ther discovery  
of his effects,  
&c.**

**Justices to  
summon and  
examine pri-  
soner thereon,**

**Prisoner re-  
fusing to make  
discovery to  
be committed.**

**Discoverer of  
debtor's estate,  
&c. not com-  
prized in the  
schedule, to  
have 20l. per  
cent.**

**XXXVII.** And be it further enacted by the authority aforesaid, That all and every such person and persons, who shall, within twelve months after the discharge of such prisoner or prisoners, voluntarily come in, and make a discovery of any part of such debtor or debtors real or personal estate as shall not be comprised in such schedule as aforesaid, before any such justices aforesaid, shall be allowed after the rate of twenty pounds *per centum*, out of the net produce of such debtor or debtors estate, which shall be recovered on such discovery; and which shall be paid such person or persons so discovering the same, by the creditor or creditors who shall receive, or be intitled to any benefit and advantage by such discovery.

**XXXVIII. Pro-**

**XXXVIII.** Provided always, and be it enacted, That notwithstanding the discharge of any prisoner or prisoners, by virtue of this act, if it shall hereafter appear the same was obtained fraudulently, the same shall be void and of none effect.

Discharge obtained fraudulently, void.

**XXXIX.** And whereas several persons who are prisoners for debt choose rather to continue in prison, and spend their substance there, than discover and deliver up to their creditors their estates or effects, in order to the satisfaction of their just debts; be it enacted by the authority aforesaid, That it shall and may be lawful to or for any one or more of the creditors of any prisoner committed since the first day of January one thousand seven hundred and forty seven, at whose suit he or she was detained in prison upon the said first day of January one thousand seven hundred and fifty five, upon twenty days notice in writing to be given to such prisoner, and the person in whose custody he or she is, to require the sheriff or sheriffs, gaoler or gaolers, or keeper of the prison wherein such prisoner is detained, to bring such prisoner before the justices, at their next general or quarter sessions of the peace, or any adjournment thereof, for the respective county, riding, division, city, town or liberty, together with a copy or copies of the cause or causes of his or her detainer; and such prisoner coming before such justices, at their said general or quarter sessions held as aforesaid, shall at the desire of any one or more of his or her creditors, at whose suit he or she appears to be detained, be obliged to deliver in upon oath, and subscribe the like schedule of his or her estate or effects, to be vested, assigned and equally divided, for the benefit of his or her creditors, in like manner as persons desiring to take the benefit of this act are required to do, subject to the same penalty of being adjudged a felon, and suffering as such, without benefit of clergy, on conviction of wilful perjury therein, as the said other prisoners are hereby subjected to; and shall upon such discovery, to the satisfaction of the said justices, in their said general or quarter sessions held as aforesaid, or the major part of them, be discharged and set at liberty, in the same manner, and with the same benefit of making use of their discharge, as is hereby provided for prisoners seeking their discharge under this act; and if any such prisoners, so brought up as aforesaid, shall neglect or refuse to deliver in and subscribe such schedule within forty days, he, she or they so neglecting or refusing, shall, upon conviction thereof, be adjudged guilty of felony, and shall suffer death as a felon, without benefit of clergy.

**XL.** Provided always, That the creditors who intend to compel such prisoners to deliver in any such schedule of their estate and effects, do give publick notice thereof in the *London Gazette*, twenty days at least before the said general or quarter sessions held as aforesaid, to the end the other creditors of such prisoners may be apprized thereof, and come in for their distributive share, which they are hereby impowered to do, in like manner, as is provided for the creditors of persons seeking their discharge under this act.

Creditor may compel a priſoner to deliver in a ſchedule of his effects.

Prisoner making discovery to be discharged; same, to suffer as a felon.

Notice there. of to be given, that other creditors may come in.

XLI. And be it further enacted by the authority aforesaid, That the oath to be taken by the prisoner, delivering in any schedule, at the desire of any one or more of his or her creditors, according to the provision hereby made for that purpose, shall be in the words following; that is to say,

Oath to be  
made by pri-  
soner com-  
pelled to give  
in such sche-  
dule.

**I** A. B. upon my corporal oath, in the presence of Almighty God, do solemnly swear, protest, and declare, That the schedule now delivered, and by me subscribed, doth contain, to the best of knowledge, remembrance and belief, a full, just, true and perfect account and discovery of all the goods, effects and estate, real and personal, either in possession, reversion, remainder, or in trust for me, or for my benefit or advantage, unto me in any wise belonging or appertaining; and such debts as are to me owing, or to any person or persons in trust for me; and of all the securities and contracts, whereby any money now is, or will or may hereafter become payable, or any benefit or advantage accrue to me, or to my use, or to any person or persons in trust for me, and the names and places of abode of the several persons from whom such debts are due and owing, and of the witnesses that can prove such debts or contracts; and neither I, nor any person or persons in trust for me, have lands, money, stock or any estate, real or personal, in possession, reversion or remainder, other than what are in the said schedule contained, except wearing apparel, bedding for myself and family, working tools, and necessary implements for my occupation and calling, and these in the whole not exceeding the value of ten pounds; and that I have not nor any body for me, directly or indirectly sold, lessened or otherwise conveyed, disposed of in trust, or concealed, all or any part of my lands, money, goods, chattels, stock, debts, securities, contracts or estates real or personal, whereby to secure the same, to receive or expect any profit or advantage thereof, to defraud or deceive any creditor or creditors to whom I am indebted, in any wise howsoever.

So help me G O D.

Such prisoners  
liable also to  
be examined,  
&c.

And such prisoner shall be obliged to undergo the like examination, on the application of the assignee or assignees of his or her estate or effects, as prisoners seeking their discharge are by this present act required to undergo, and subject to the like commitment for refusing to appear, or answer upon oath, as before is provided for the said other prisoners.

Assignees may  
compound  
with persons  
indebted to  
prisoner.

XLII. And be it further enacted by the authority aforesaid, That any assignee or assignees, to whom by virtue of this or any former act of parliament made for relief of insolvent debtors, the estate or effects of any prisoner or prisoners hath been or shall be assigned, is and are hereby empowered by and with the consent of the major part in value of such prisoner or prisoners creditors, who shall be present at a meeting to be had for that purpose, of which twenty one days publick notice sha'l be previously given in two London Gazettes, to make composition with any person or persons, debtors or accountants to such prisoner or prisoners, where the same shall appear necessary or reasonable, and

and to take such reasonable part as can upon such composition be gotten, in full discharge of such debts and accounts; and Differences also to submit any difference or dispute between such assignee or relating thereto assignees, and any person or persons whatsoever, for or on account, or by reason or means, of any matter, cause or thing, relating to such prisoner or prisoners estate or effects, or to any debt or debts due or claimed to be due to or from such prisoner or prisoners, to the final end and determination of arbitrators, to be chosen by the said assignee or assignees and the major part in value of such creditors, and the party or parties with whom they shall have such difference, and to perform the award of such arbitrators, or otherwise to settle and agree the matters in difference and dispute between them, in such manner as the said assignee or assignees, with such consent as aforesaid, shall think fit, and can agree; and the same shall be binding to all the creditors of such prisoner or prisoners; and the said assignees are hereby indemnified for what they shall fairly do, according to the direction aforesaid.

XLIII. And, to the intent and purpose that the estate and effects of such prisoner or prisoners as shall be discharged by virtue of this act, may be truly and faithfully applied for the benefit of his, her or their real creditors; be it enacted by the authority aforesaid, That it shall and may be lawful to and for the respective courts at *Westminster*, from whence any process issued, upon which such prisoner or prisoners was or were committed, whose effects are so assigned, or where the process issued out of any other court, to and for the judges of the court of *King's Bench*, *Common Pleas* and *Exchequer*, or any one of them, from time to time, upon the petition of any creditor or creditors of such prisoner or prisoners, complaining of any insufficiency, fraud, mismanagement or other misbehaviour, of all or any of the assignees to whom the estate or effects of such prisoner or prisoners shall be assigned by such clerk of the peace as aforesaid, upon hearing the parties concerned therein, to make and give such orders and directions therein, either for the removal or displacing such assignee or assignees, and the appointing any new ones, or assignees so to be removed or displaced, or for the prudent, just or equitable management or distribution of the said estate and effects for the benefit of the respective creditors, as the said courts or judges respectively shall think fit; and in case of the removal or displacing of any assignee or assignees, and the appointing of any such new assignee or assignees, the estate or effects of such prisoner or prisoners shall from thenceforth be divested out of the assignee or assignees so removed or displaced, and be vested in and delivered over to such new assignee or assignees, in the same manner, and for the same intents and purposes, as the same were before vested in the assignee or assignees as aforesaid; any thing in this act contained to the contrary notwithstanding.

Where mutual credit has been given the balance to be rated.

**XLIV.** Provided always, and be it enacted by the authority aforesaid, That in all and every case or cases, where mutual credit hath been given between any prisoner or prisoners to be discharged in pursuance of this act, and any other person or persons, or body politick or corporate, before the delivery of such schedule or inventory of the estate and effects of such prisoner or prisoners upon oath as aforesaid, then and in every such case, the respective assignees of such prisoner or prisoners shall and have hereby power on their part, to state and allow an account between them, and nothing more shall be deemed to be vested in such clerk of the peace, or such assignees, as the estate or effects of such prisoner or prisoners, than what shall appear to be due to him, her or them respectively, for the balance of such account when truly stated.

This act not to extend to Benjamin Thomas and Richard Beddoes.

Justices may call the said prisoners before them;

and examine into the value of their estate and effects,

and levy the debt by warrant of distress, and assign over their real estate, till payment.

Prisoners thereupon to be discharged.

Prisoners of courts of conscience, to have the benefit of this act.

**XLV.** Provided always, and be it enacted by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend to *Benjamin Thomas*, and *Richard Beddoes*, two of the people called *Quakers*, now prisoners in the common gaol of the county of *Salop*, at the suit of *Joyce Smith*, executrix of the last will and testament of *Thomas Smith* clerk, deceased, for tythes, or either of them, so as to oblige the said *Benjamin Thomas* and *Richard Beddoes*, to deliver in and subscribe a schedule of their respective estates and effects; but it shall and may be lawful for the justices of the peace of the said county, upon application made by the said *Joyce Smith*, or by any person or persons for or on behalf of the said *Benjamin Thomas* or *Richard Beddoes*, to cause the said prisoners respectively to be brought before them at their next general quarter sessions of the peace, together with a copy or copies of their detainer, and to examine into the value of the estate and effects of the said prisoners, by the oath of one or more witness or witnesses, and to issue a warrant under their hands and seals, or the hands and seals of any two or more of them, thereby directing and requiring the respective sums due from them the said prisoners respectively, to the said *Joyce Smith*, and for which they are respectively charged and detained in the said prison, to be levied upon their respective goods and chattles; and if the goods and chattles of the said prisoners respectively shall not be found sufficient, then the real estates of the said prisoners respectively (if any such there be) shall by the said justices be assigned over to the said *Joyce Smith*, till such time as the said debts shall be respectively paid; and the said prisoners shall, upon their appearance respectively before the said justices, and the said debts due to the said *Joyce Smith* being respectively paid, be respectively discharged from their imprisonment, as to the said debt or debts.

**XLVI.** And whereas great numbers of poor people have been and are now imprisoned for debt, upon processes issuing out of courts of conscience: it is hereby enacted and declared, That all such prisoners shall be intitled to have the benefit of this act, and be discharged hereby, provided he, she or they, conform to the directions herein before prescribed.

**XLVII.**

XLVII. And be it further enacted by the authority aforesaid, That in all cases wherein by this act an oath is required, the ſolem affirmation of any person being a Quaker, ſhall and may be accepted and taken in lieu thereof, and every person making such affirmation, who ſhall be convicted of wilful and false affirming, ſhall incur and ſuffer ſuch and the ſame penalties as are inflicted and impoſed by this act, upon persons convicted of wilful and corrupt perjury.

XLVIII. Provided always, and be it enacted by the authority aforesaid, That no person who took the benefit of an act paſſed in the twenty first year of his present Majesty's reign, intituled, *An act for the relief of insolvent debtors*, ſhall have or receive any benefit or advantage of or under this act, nor be deemed to be within the meaning thereof; any thing herein contained to the contrary notwithstanding.

#### C A P. XIV.

*An act for further explaining, amending and rendering more effectual, an act made in the twenty-third year of the reign of his present Majesty, intituled, An act for the encouragement of the British white herring fishery; and for giving further encouragement for the carrying on the said fishery; and for other purposes therein mentioned.*

WHEREAS by an act made in the twenty third year of the reign of his present Majesty, intituled, *An act for the encouragement of the British white herring fishery, after impowering his Majesty, his heirs and successors, by letters patent under the great seal of Great Britain, to incorporate ſundry persons in the ſaid act named, and ſuch other bodies and persons as in the ſaid act are mentioned, to be one body politick and corporate, by the name of The ſociety of the free British fishery, for the purpose of carrying on and improving the British white herring fisheries, and to impower the ſaid ſociety, by a voluntary ſubſcription, to raise the ſum of five hundred thouſand pounds, to be the capital flock of the ſaid ſociety; it is, amongſt other things enacted, That for an encouragement to ſuch persons as ſhould become ſubſcribers to the flock for carrying on the ſaid fisheries, that the ſum of three pounds by the year for each hundred pounds which ſhould be actually employed in the ſaid fishery, and proportionably for any greater or leſſer ſum, ſhould be paid to the proprietors of the ſaid flock, for and during the ſpace of fourteen years from the date of their charter, out of the customs, by the receiver general of his Majesty's customs, by equal half-yearly payments, provided that the ſaid ſociety ſhould employ the ſum of one hundred thouſand pounds, at leaſt, in the ſaid fisheries, within the ſpace of eighteen months after the date of ſuch subscription; and it is, by the ſaid act, enacted, That no transfer ſhould be made of any of the flock or ſhare of or in the ſaid five hundred thouſand pounds, for the ſpace of five years from the date of the ſaid charter, but that the ſame ſhould be abſolutely void to all intents and purpoſes whatſoever; provided that it ſhould be*

Quaker's affirmation to be taken in lieu of an oath.

Persons who took the benefit of 21 Geo. 2. c. 31. ex-  
cluded.

be lawful for the executors, and administrators, or devisees, of any person or persons who should happen to die possessed of, or interested in, any such stock or share of or in the said five hundred thousand pounds, and also for the assignees under any commission of bankrupts, to transfer such stock or shares, and dispose of the produce thereof in such manner, as they might by law dispose of any other effects of such testator, intestate, or bankrupt; and as a further encouragement to all persons to engage in the said white herring fisheries, a bounty of thirty shillings per ton is by the said act given and made payable as therein mentioned, to the owner or owners of all decked vessels, from twenty to eighty tons burthen, which should be built after the commencement of the said act, for the use of the said fisheries, whether by the said society, or any other person or persons, in manner, and under the regulations, and upon such conditions, as in the said act are aforesaid mentioned, such bounty to be paid yearly, during the space of fourteen years from the commencement of the said act, and no longer, upon conforming to the regulations of the said act: and whereas, amongst other qualifications by the said act made necessary for obtaining a licence and authority for buses or vessels to proceed on the said fishery, oath is to be made by such persons as in the said act mentioned, that such buses or vessels shall proceed either to Brassey Sound in Shetland, and be at the rendezvous of the said fishery there, on or before the eleventh day of June, and shall not shoot or wet their nets before the thirteenth day of the said month of June, and shall continue following and fishing amongst the shoals of herrings as they move southward, to the first day of October; or shall proceed to Campbell Town in Argyllshire, and be at the rendezvous of the said fisheries on or before the first day of September, and shall continue fishing among the shoals of herrings as they move, to the thirty first day of December, unless they shall have sooner completed their loading of fish; and that on the return of such vessel into any port of Great Britain for her discharge, oath shall be made by the master of such vessel, that such vessel was at one of the places beforementioned, at the time appointed by the said act, and had not since been on any other voyage, or pursued any other design or view of profit, and that they did remain fishing according to the direction of the said act: and whereas by another act made in the twenty sixth year of the reign of his said Majesty, intituled, An act to explain, amend and render more effectual, an act made in the twenty third year of the reign of his present Majesty, intituled, An act for the encouragement of the British white herring fishery; and for regulating the said fishery according to the calendar now in use; and for other purposes therein mentioned; it is enacted, That the oath and oaths by the said first-mentioned act required to be taken with respect to the days thereby appointed for the rendezvous of the said society's buses or vessels, and for the commencement and duration of the said fisheries, should be varied and made conformable to the calendar then and now in use in these kingdoms; that is to say, That the oath to be made in order to the procuring a licence to proceed on the said fishery, should import that it is the firm purpose and determined resolution of the persons making such oath, that the bus or vessel applying for licence and authority

therity to proceed on the said fishery, should proceed either to Brasley Sound in Shetland, and be at the rendezvous of the said fishery there, on or before the twenty second day of June, and should continue fishing as in the said act mentioned, to the twelfth day of October, or should proceed to Campbell Town in Argyleshire, and be at the rendezvous of the said fisheries on or before the twelfth day of September, and should continue fishing to the eleventh day of January, unless they should have sooner completed their loading of fish; and that the oath by the said first-mentioned act required to be made by the respective masters of the said busses or vessels, at their return into port, for their discharge, might and should from the commencement of the said last mentioned act, be varied and made conformable to the alterations thereby made in respect of such several days of rendezvous: and whereas pursuant to the powers by the said first-mentioned act given to his said Majesty, a society by the name of The society of the free British fishery, hath been incorporated by charter, bearing date the eleventh day of October one thousand seven hundred and fifty, and a very considerable sum of money hath been subscribed and paid in towards carrying on the purposes of the said act and charter, in which the said society did actually expend and employ, within eighteen months from the date of their subscription, the sum of one hundred and four thousand five hundred and nine pounds, and the said society have accordingly, in pursuance of the said two several acts herein before recited, received of the commissioners of his Majesty's customs, interest for the said sum of one hundred and four thousand five hundred and nine pounds, after the rate of three pounds per centum per annum, for two years, computed from the said eleventh day of October one thousand seven hundred and fifty, old style, being the date of the said society's charter, to the twenty second day of October one thousand seven hundred and fifty two, new style: and whereas since the said twenty second day of October one thousand seven hundred and fifty two, the said society have expended and employed in the said fishery a further sum of money, over and beside the said sum of one hundred and four thousand five hundred and nine pounds: and whereas it is conceived that it woud be for the benefit and advantage of the said society to be impowered to let out to hire to any person or persons any of the busses now belonging, or hereafter to belong to the said society, to be employed only in the said fisheries, and also for the said society, and such person or persons to whom such busses may be so let out to hire, to be at liberty to follow the said white herring fishery in any part of the British Seas: and whereas some doubts have arisen touching the validity of the payment of the interest of three pounds per centum per annum, so made to the said society on the said sum of one hundred and four thousand five hundred and nine pounds, to the said twenty second day of October one thousand seven hundred and fifty two; and also touching the times from whence the computation of the interest accrued, due or hereafter to grow due, to the said society, from the said twenty second day of October one thousand seven hundred and fifty two, ought to be made: therefore, for putting an end to all such doubts, and for giving further encouragement to the carrying on the said fisheries; be it enacted and declared, and it is hereby

The payment made to the society of a year's interest on the sum of 104,509*l.* approved and continued.

Future interest to be computed from 22d October 1752.

Future interest of additional sums to be from the days of the payments into the bank.

Clause prohibiting transfers continued for 7 years. Exception.

Allowances of 3*l.* per cent. and bounty of 30*s.* per ton, continued for 3 years.

by enacted and declared by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That the payment of the interest of three pounds *per centum per annum*, made by the commissioners of his Majesty's customs, to the said society on the said sum of one hundred and four thousand five hundred and nine pounds, and computed from the eleventh day of October one thousand seven hundred and fifty, to the twenty second day of October one thousand seven hundred and fifty two, shall be deemed a good and valid payment, within the true intent and meaning of the said act hereing first recited; and that the said society shall not be liable to any deduction from or re-imbursement of the sum so paid to them for interest as aforesaid, or any part thereof; and that all future interest on the said sum of one hundred and four thousand five hundred and nine pounds, shall be computed and paid from the said twenty second day of October one thousand seven hundred and fifty two.

II. And be it further enacted and declared by the authority aforesaid, That all future computations of interest, payable to the said society by virtue of or under the said act herein first recited, in respect of any additional sums already paid in, or hereafter to be paid in, over and above the said sum of one hundred and four thousand five hundred and nine pounds, shall be made from the respective day or days on which each sum respectively was or sha'l hereafter be paid into the bank of England, in order to be expended or employed in the said fisheries.

III. And it is further enacted by the authority aforesaid, That so much of the said herein first recited act, as directs that no transfer of any of the stock or share of or in the sum of five hundred thousand pounds, which the said society are by the said act impowered to raise as a capital stock, shall be made for the space of five years, from the date of their charter, except in such cases as in the said act are mentioned and excepted, shall be continued and be in force for the further term of seven years, to be computed immediately from and after the expiration of the said term of five years.

IV. And be it further enacted by the authority aforesaid, That the several allowances of three pounds *per centum per annum*, and the bounty of thirty shillings *per ton*, granted by the said acts, for the respective terms therein and herein before mentioned, shall be continued for the further term of three years, to be computed immediately from and after the expirations of the said respective terms, for which the same were granted as aforesaid, and shall be paid and payable for such further term of three years to the said society, and to such other person or persons as are or may be intituled to the said allowances respectively, by virtue of or under the said acts, in such manner, and by such person and persons, and out of such monies, as the same are now payable by virtue of or under the said acts, or either of them.

V. And be it further enacted by the authority aforesaid, That Society may it shall and may be lawful for the said society, from time to hire out their time, to let out to hire, to any person or persons, any of the busses; busses belonging or which may hereafter belong to the said society, to be used and employed in the said fisheries only, under Subject to like and subject to such regulations and restrictions, as the said society would be liable and subject unto, in case such busses so let out, were immediately under the direction and employment of the said society; and also that it shall and may be lawful for the fishery may said society, and for such person or persons to whom any of be followed in their busses may be so let out to hire as aforesaid, to follow the any part of the said white herring fishery in any part of the British seas.

VI. And be it further enacted by the authority aforesaid, That Forfeiture for the said society shall not be deemed liable to forfeit or incur a for- feiture of the said bounty of thirty shillings per ton, so given and riving at the intended by the said act herein first recited, to vessels employed places of ren- in the said fisheries, in respect of such busses as shall not arrive deuzous by a certain day, at one of the places in and by the said acts or either of them ap- taken off; pointed, for the rendezvous of the busses or vessels to be em- ployed in the said fisheries, by or on the respective days in and by the said herein recited act of the twenty sixth year of the reign provided they of his present Majesty appointed for the rendezvous of such bus- fuses or vessels, provided that such busses or vessels did really and bona fide take their departure for such respective places of ren- dezvous, or one of them, at least five days before the respective in the act; days in and by the said last mentioned act named and appointed for the vessels employed in the said fisheries to be at such respec- tive places of rendezvous, and that such busses or vessels be fitted and that they out in all respects conformable to the directions and regulations be fitted out as in the said two several recited acts.

VII. And be it further enacted by the authority aforesaid, That in all cases where it shall happen that the busses or vessels be taken by to be employed in the said fisheries shall, by virtue of the liberty masters at and power in and by this present act given and allowed for that their return purpose, quit and leave the respective stations at sea, from whence port, to be the said fishery is in and by the said first herein recited act ap- conformatib'e pointed to be carried on, in order for the fishing at other sta- to the particu- tions; and also in all cases where the respective busses employed lar circum- in the said fisheries, and taking their departure for such re- stances of the spective places of rendezvous at the respective times herein before vessel, with re- mentioned, shall not arrive at the said respective stations at ving at or Brassy Sound or Campbell Town, or at Kirkwall, or one of them, quitting their on or before the respective days in and by the said act of the twenty sixth year of the reign of his said Majesty directed and appointed; the oath by the said herein first recited act required to be made by the respective masters of such busses or vessels at their return into port for their discharge, with respect to so much of such oath as relates to their having arrived at such re- spective places of rendezvous, or one of them, on such days as is for that purpose mentioned and appointed in and by the said acts, or either of them, and to their having remained fishing

according to the directions of the said several acts, may and shall from henceforth be varied and made conformable to the particular circumstances attending such respective busses or vessels so quitting the respective stations at sea, from whence the said fisheries are, in and by the said herein first recited act, directed to be carried on, or either of them, or to their not arriving at either of the said respective stations of *Braffey Sound* or *Campbell Town*, or *Kirkwall*, on or before the respective days in and by the said act of the twenty sixth year of the reign of his present Majesty appointed for the rendezvous of such busses or vessels ; and that such oath shall be made and taken by the master or other chief officer of such bus or vessel so returning into port for a discharge.

In a court of council when the governor, president and vice president is absent, an occasional president to be chosen ;

VIII. *And whereas by his Majesty's said charter of the eleventh day of October one thousand seven hundred and fifty, the court of the council of the said society, is to consist at least of seven members of the said council, whereof the governor, president or vice president, is always to be one : and whereas it may frequently happen, that the business of the said society may be obstructed or delayed by the non-attendance in council of the governor, president or vice president of the said society ;* be it therefore enacted by the authority aforesaid, That in the absence of the governor, president and vice president, from any meeting of the court of the council of the said society, it shall and may be lawful for the members of the said council then present, being at the least seven in number, to elect and choose one of their members then present to preside for that time in such court of council ; and that all acts done by such court of the council of the said society, shall be deemed, and are hereby declared to be as good and valid, to all intents and purposes, as the same would have been in case the governor, president or vice president, of the said society, or one of them, had been present at such court of council.

IX. *And whereas divers wicked and malicious persons have wilfully damaged, spoiled and destroyed, sundry nets, sails, cordage, stores and other materials, of and belonging to the said society, to the great prejudice and loss of the society : therefore for preventing such violences and outrages for the future, and for bringing all offenders in the premisses to more speedy and exemplary justice, be it further enacted by the authority aforesaid, That if any person or persons shall hereafter wilfully damage, spoil or destroy, without the consent of the said society, any of the nets, sails, cordage, stores or other materials, of or belonging to the said society, every such offender, being thereof lawfully convicted upon the oath or oaths of two or more credible witness or witnesses, before any one or more justices of the peace for the county, city, town or place, where such offence shall be committed, upon any information exhibited, or prosecution, within six calendar months after the offence committed (which oaths the said justices are hereby impowered and required to administer) shall forfeit and pay to the said society treble the value of such nets, sails, cordage, stores, or other materials, so damaged,*

nified, spoiled or destroyed, to be levied by distress and sale of to be levied by the offenders goods and chattels, by warrant or warrants under distress and the hands and seals of any one or more justices of the peace.

within their respective jurisdictions; and for want of sufficient distress, such justices shall commit the party or parties offending to the house of correction, there to remain, and be kept to fender to be hard labour, for any time not exceeding three months, or until satisfaction shall be made to the said society for the said offence.

X. And be it further enacted by the authority aforesaid, That Commissioners for preventing any difficulties about ascertaining, getting in, and receiving all such sums of money as shall for the future become due and payable by law, as a duty of six pence per month from all seamen who are or shall be employed in the service of the British white herring fishery, for the support of the royal Greenwich hospital at Greenwich, the commissioners for the time being of his Majesty's customs shall, and they are hereby required, from time to time, after the commencement of this act, to transmit, or cause to be transmitted, with all convenient speed, to the office of the receiver for the time being of the said duty in London, a true and exact copy of every certificate which shall, from time to time, after the said commencement, be transmitted to them the said commissioners by all or any of the respective collectors and comptrollers of the several out-ports in Great Britain, in order to the said commissioners causing payment to be made of the bounty of thirty shillings per ton, pursuant to the directions of an act of parliament made in the twenty third year of his present Majesty's reign, intituled, *An act for the encouragement of the British white herring fishery*; and that from and after the said commencement, it shall not be lawful for the said commissioners of his Majesty's customs to cause payment to be made of any monies for or on account of the said bounty of thirty shillings per ton, to any person or persons whatsoever who shall be intitled to demand such bounty under or by virtue of the said last mentioned act of parliament, unless and until he or they who shall be so respectively intitled to make such demand, shall have first produced to the said commissioners one or more proper certificates or certificates from the receiver for the time being of the said duty of six pence per month, that all monies due on account of the same duty for every seaman employed on board the vessel in respect of which the said bounty shall be demanded, hath been fully paid according to the directions of the several acts of parliament in that behalf made.

### C A P. XV.

*An act for granting to his Majesty the sum of one million, to be raised by a lottery.*

*Most gracious Sovereign,*

WE your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, being

One million  
granted to his  
Majesty.

Annuities  
granted in  
respect of  
900,000.

to be charged  
on the Sink-  
ing Fund.

Annuities to  
carry 3l per  
cent. interest,

to commence  
from 5 Jan.  
1756, and  
payable half-  
yearly.

Natives or fo-  
reigners who  
subscribed,  
&c according  
to the resolu-  
tions of the  
commons, to  
pay their con-  
tributions at  
the timeshere-  
dicted.

ing desirous to enable your Majesty to augment your forces by sea and land, and to take such measures for the security of your Majesty's dominions, as may be necessary in the present conjuncture, have freely and unanimously, resolved to give and grant unto your Majesty for these purposes, the sum of one million, to be raised in such manner and form as is herein after directed, and do therefore most humbly beseech your majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That the annuities which by this act shall be granted and made payable in respect of the principal sum of nine hundred thousand pounds, part of the principal sum of one million, to be raised in such manner and form as herein after is directed, until redemption thereof by parliament, in manner herein after-mentioned, shall be charged and chargeable upon, and payable out of the monies which shall from time to time arise and be remaining in the receipt of his Majesty's exchequer, of or for the surpluses, excesses or overplus monies, and other revenues composing the fund commonly called *The Sinking Fund*; and the said surpluses, excesses, overplus monies, and other revenues, are hereby appropriated for that purpose accordingly.

II. And whereas it is intended that the said sum of one million shall be raised by way of a lottery, in manner herein after-mentioned, be it therefore enacted by the authority aforesaid, That the annuities which shall become due and payable to the contributors to the lottery herein after-mentioned, their executors, administrators and assigns, at the rate of three pounds *per centum per annum*, in respect of the said principal sum of nine hundred thousand pounds, part of the said principal sum of one million, in manner herein after in this act expressed, shall commence and be computed from the fifth day of January which shall be in the year of our Lord one thousand seven hundred and fifty six, and shall from time to time be paid half-yearly, on the fifth day of July, and the fifth day of January by even and equal portions; the first payment thereof to be due and payable for the half year ended on the fifth day of July one thousand seven hundred and fifty six.

III. And be it further enacted by the authority aforesaid, That for or towards raising the said sum of one million, it shall and may be lawful for the several persons, natives and foreigner, and bodies politick or corporate, who before five of the clock in the afternoon, of the fifteenth day of April one thousand seven hundred and fifty five, in pursuance of the resolutions of the commons of Great Britain, in parliament assembled, shall have in book, opened at the bank of England, for that purpose subscribed and agreed to contribute to the payment of the said sum of one million, and who shall have before that time deposited with, or paid to the first or chief cashier or cashiers of the governor and company of the bank of England for the

the time being, one fifth part of every sum of ten pounds to be paid for each ticket in the said lottery, to advance and pay unto the said cashier or cashiers, (who is and are hereby appointed) the receiver and receivers of such contributions, without any further or other warrant to be sued for, had or obtained in that behalf) the remainder of the principal sums so subscribed, at or before the respective days or times, and in the proportions in this act limited in that behalf; that is to say, one other fifth part thereof, on or before the fifteenth day of *May* one thousand seven hundred and fifty five; one other fifth part thereof, on or before the thirtieth day of *June* then next ensuing; one other fifth part thereof, on or before the thirtieth day of *July* then next ensuing; and the remaining fifth part thereof, on or before the tenth day of *September* then next following; and that every such contributor or adventurer, for every sum of ten pounds which he or she shall have so advanced, shall be entitled to such lot or share, and shall receive such sum or sums of money, as is or are hereby directed and appointed.

IV. And be it further enacted by the authority aforesaid, That the said cashier or cashiers of the said governor and company of the bank of *England* for the time being, is and are hereby authorized and required forthwith to give receipts in writing, signed by himself or themselves, to such contributor or contributors, for all sums of money deposited with, or paid unto, such cashier and cashiers, before the passing of this act; and also for such other sum and sums of money, as shall after the passing of this act be advanced or paid to him or them by any such contributor or contributors; which receipt shall be assignable by endorsement thereupon made.

Cashier of the bank to give receipts for money paid in,

the same to be assignable.

V. Provided always, That such cashier or cashiers shall give security to the good liking of any three or more of the commissioners of the treasury now being, or the high treasurer, or commissioners of the treasury for the time being, for duly answering and paying into the receipt of his Majesty's exchequer, for the publick use, all the monies which he or they have already received by way of deposit, or otherwise, or shall hereafter receive, from time to time, of or for the said sum of one million so advanced and contributed, and for accounting duly for the same, and for performance of the trusts hereby in him or them reposed; and shall, from time to time, so pay all such monies as fast as he or they shall receive the same, or any part thereof, or within five days afterwards at the farthest, and shall account for all monies so advanced or paid to him or them in his Majesty's court of Exchequer, according to the due course thereof.

Cashier to give security,

and to pay over the monies to the exchequer.

VI. And whereas it hath been proposed, that every contributor to the said lottery should be at liberty to subscribe for any number of tickets in the said lottery, and that in case a larger sum than one million should be subscribed within the term herein before limited for such subscription, a proportionable reduction upon such excess should, as near as possible, be made out of each subscriber's share: and whereas, in pursuance of such proposal, a much larger sum than one million hath been

*subscribed : now to prevent any disputes which may arise in respect to the reduction in that case intended to be made out of each subscriber's share ; be it enacted by the authority aforesaid, That it shall and may be lawful to and for the said cashier or cashiers to determine and appoint what number of tickets shall belong to the several subscribers, so as in making such reduction no fraction be made of a ticket, and so as every person subscribing for four tickets, or any less number, be allowed one ticket only, and so as it be lawful to the said cashier or cashiers to allow two tickets to every subscriber for five, and three to every subscriber for ten, in case it be found practicable to allow one ticket in four to every subscriber for sixteen, and upwards ; and that so much of every such deposit as shall exceed one fifth part of the sum to which the share of every such subscriber shall be so limited, shall be allowed and accepted in further part of the remaining sum which shall, in consequence of such reduction be payable by every such subscriber.*

Managers and directors to be appointed by the treasury. Books to be prepared with 3 columns, in each of which 50,000 tickets to be printed. Chances of the tickets in the books of two columns, to be determined by drawing of the tickets in the books of three columns. Cashier to give a ticket for every sum of 10l paid in. Tickets undisposed of to be delivered into the exchequer. Tickets of the middle columns to be rolled up. Other books to be prepared with two columns, in each of which 50,000 tickets to be printed; 2,150 thereof to be fortunate, viz. 1 of 10,000l. 2 of 5,000l. 3 of 2,000l. 15 of 1,000l. 20 of 500l. 99 of 100l. 2010 of 50l. to the first drawn 500l. to the last 1000. amounting to 162,900l. and 47,850 blank tickets at 6l. each. Tickets in the outermost columns, to be rolled up, and cut off into a box. Boxes with the tickets to be brought to Guild Hall on October 6, and the drawing to be then begun. Tickets to be filed as drawn. Prizes to be entered in a book. When the lottery is drawn, a list of the prizes to be printed. Disputes to be determined by the managers. Counterfeiting of tickets, certificates, or the numbers of them, shall be adjudged felony. Receivers may take money, and give receipts, before they receive the books, and give tickets for those receipts afterwards. Adventurer not paying his whole consideration-money by the times limited, shall lose the advanced money. Guardians may adventure infants money in the lottery. Persons selling shares in tickets of which they are not possessed, to forfeit 500l. After the drawing of the lottery, the tickets to be exchanged for certificates. Accountant general to give credit for the sums named in the certificates ; which may be transferred, and carry 3 per cent interest.

**XXVI.** And for the more easy and sure payment of the several and respective annuities payable after the rate of three pounds *per centum per annum*, on the said principal sum of nine hundred thousand pounds, part of the said principal sum of one million ; it is hereby further enacted by the authority aforesaid, That so much of the monies arising, from time to time, into the receipt of the exchequer, of or for the said surpluses, excesses, overplus monies, and other revenues, composing the fund commonly called *The sinking fund*, by this act appropriated for this purpose, as shall be sufficient, from time to time, to answer the said several annuities, and other payments directed to be paid or discharged out of the same, shall, by order of the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer

*The sinking Fund appropriated to payment of the annuities.*

treasurer, or commissioners of the treasury of his Majesty, his heirs or successors for the time being, without any further or other warrant to be sued for, had or obtained in that behalf, from time to time, at the respective half-yearly days of payment in this act before appointed for payment thereof, be issued and paid at the said receipt of exchequer, to the said chief cashier or cashiers of the said governor and company of the bank of *England*, and their successors for the time being, by way of imprest and upon account, for the payment of the said several annuities payable in respect of the said principal sum of nine hundred thousand pounds, part of the said principal sum of one million, at such times, and in such manner and form, as are by this act prescribed in that behalf; and that such cashier or cashiers, to whom the said monies shall from time to time be issued, shall from time to time without delay, apply and pay the same accordingly, and render his or their account thereof according to the course of the exchequer; any thing herein contained to the contrary notwithstanding.

**XXVII.** And it is hereby also enacted, That the said accountant general for the time being, shall, from time to time, inspect and examine all receipts and payments of the said cashier or cashiers, and the vouchers relating therunto, in order to prevent any fraud, negligence or delay; and that all and every person and persons whatsoever, who shall be intitled to any of the said several and respective annuities, after the rate of three pounds *per centum per annum*, and all persons lawfully claiming under them, shall be possessed thereof as of a personal estate, and the same shall not be descendible to the heir, and shall not be liable to any foreign attachment by the custom of *London*, or otherwise; any law, statute, or custom to the contrary notwithstanding.

**XXVIII.** And be it further enacted by the authority aforesaid, That no part of the said annuities shall be charged or chargeable with any rates, taxes, duties, or impositions whatsoever.

**XXIX.** And be it further enacted by the authority aforesaid, That all the monies to which any person or persons shall be intitled by virtue of this act, in respect of any sum advanced or contributed towards the said sum of one million, on which the said annuities, after the rate of three pounds *per centum per annum*, shall be attending, shall be added to the joint stock of annuities transferrable at the bank of *England*, into which the several sums carrying an interest after the rate of three pounds *per centum per annum*, were by an act made in the twenty fifth year of the reign of his present Majesty, converted, and shall be deemed part of the said joint stock of annuities, subject nevertheless to redemption by parliament, in such manner, and upon such notice, as is in the said act directed in respect of the several and respective annuities redeemable by virtue of the said act; and that all and every person and persons, and corporations whatsoever, in proportion to the money to which

and to be  
transferrable.

he, she or they shall become intitled as aforesaid by virtue of this act, shall have, and be deemed to have, a proportional interest and share in the said joint stock of annuities at the rate aforesaid; and that such interest and share, and the proportional annuity attending the same, shall be assignable and transferrable as this act directs, and not otherwise; and that there shall constantly be kept at all seasonable times, in the office of the said accomptant general for the time being, within the city of *London*, a book or books wherein all assignments or transfers of the said interest and share, or any part thereof, and the proportional annuity attending the same, at the rate aforesaid, shall be entered and registered; which entries shall be conceived in proper words for that purpose, and shall be signed by the parties making such assignments or transfers; or if such parties be absent, by his, her, or their attorney or attorneys thereunto lawfully authorized, by writing under his, her, or their hands and seals, to be attested by two or more credible witnesses; and that the person or persons to whom such transfer shall be made, do underwrite his, her, or their acceptance thereof; and that no other method of assigning or transferring the said share and interest, or any part thereof, and the annuities attending the same, shall be good or available in law.

Annuities de-  
viseable by  
will, &c.

XXX. Provided always, That any person or persons possessed of such share and interest, with the annuity or annuities attending the same, or any estate therein, may devise the same by will in writing, attested by two or more credible witnesses; but that no payment shall be made on any such devise, till so much of the said will as relates to the said stock or annuity be entered in the said office; and in default of such transfer or devise, the said stock and annuities attending the same, shall go to the executors or administrators; and that no stamp duties whatsoever shall be charged on the said transfers; or any of them; any other law or statute to the contrary notwithstanding.

The Bank to  
continue a  
company till  
redemption of  
the annuities.

XXXI. Provided always, and it is hereby enacted by the authority aforesaid, That the said governor and company, and their successors (notwithstanding the redemption of all or any of the annuities), their own funds in pursuance of the said acts for establishing the same, (or any of them) shall continue a corporation, with all the powers, privileges and advantages thereunto belonging, for the purposes in this act expressed, till all the said annuities payable by virtue of this act shall be redeemed by parliament, in manner herein before mentioned; and that the said governor and company, or any members thereof, shall not incur any disability for or by reason of their doing any matter or thing in pursuance of this act.

Commission-  
ers of the trea-  
sury to pay  
the charges of  
executing this  
act, out of  
the duties,

XXXII. Provided always, and be it enacted by the authority aforesaid, That the commissioners of the treasury, or any three or more of them now being, or the high treasurer, executing this or any three or more of the commissioners of the treasury for the time being, shall have power, and they are hereby authorized,

thorized, out of the ſaid ſurpluſes, excesſes, overplus monies, and other revenues composing the fund, commonly called *The Sinking Fund*, to diſcharge all ſuch incident charges as ſhall neceſſarily attend the execution of this act, in ſuch manner as to them ſhall ſeem just and reasonable; and also to ſettle and appoint ſuch allowançes (out of the contributions to the lottery aforesaid) as they ſhall think just and reasonable, for the ſervice, pains, and labour of the ſaid cashier or cashiers, for receiving and accounting for the contributions to the ſaid lottery; and alſo ſuch farther allowances as they ſhall think just and reasonable, for the ſervice, pains, and labour of the cashier or cashiers of the governor and company of the bank of *England*, for receiving, paying, and accounting for the ſeveral and reſpective annuities payable by virtue of this act; and also for the ſervice, pains, and labour of the accomptant general of the ſaid governor and company, for performing the duty and truſt incumbent on him by this act; all which allowances hereby impowered to be made as aforesaid, in reſpect to the ſervice, pains, and labour of any officer or officers of the ſaid governor and company, ſhall be for the uſe and benefit of the ſaid governor and company, and at their diſpoſal only; any thing herein contained to the contrary notwithstanding.

XXXIII. And it is hereby enacted by the authority aforesaid, That no fee or gratuity ſhall be demanded or taken of any of his Majesty's ſubjects, for receiving or paying the ſaid contribution monies, or any of them, or for any tallies or receipts concerning the ſame, or for iſſuing the monies for paying the ſaid ſeveral annuities, or any of them, or for paying the ſaid annuities, or any of them; and that no fee or gratuity ſhall be demanded or taken for any transfer, great or ſmall, to be made in puru-ance of this act, upon pain that the officer or perſon offending, by taking or demanding any ſuch fee or gratuity contrāry to this act, ſhall forfeit the ſum of twenty pounds, to the party grieved, to be recovered with full costs of ſuit, in any of his Majesty's courts of record at *Westminster*.

XXXIV. And it is hereby enacted by the authority aforesaid, That if any perſon or perſons ſhall at any time be ſued or pro-ſecuted, for any thing by him or them done or executed in puru-ance of this act, or of any matter or thing in this act contain-ed, ſuch perſon or perſons ſhall and may plead the general iſſue, and give the ſpecial matter in evidence for his or their de-fence; and if upon the trial a verdict ſhall paſſ for the defendant or defendants, &c. &c. the plaintiff or plaintiffs ſhall discon-tinue his or their action, or be nonsuited, or judgment ſhall be given againſt him or them upon demurrer, or otherwise, then ſuch defendant or defendants ſhall have treble costs to him or them awarded againſt ſuch plaintiff or plaintiffs.

and appoint  
ſalaries for  
the cashiers  
and other offi-  
cers.

No fee for pay-  
ment of con-  
tribution mon-  
ey.

Transfers to  
made gratis

Penalty.

General iſſue.

Treble costs.

## C A P. XVI.

*An act for the better supply of mariners and seamen to serve in his Majesty's ships of war, and on board merchant ships, and other trading ships and vessels.*

**F**OR the better supply of mariners and seamen to serve in his Majesty's ships of war, and on board merchant ships, and other trading ships and vessels: be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That from and after the passing of this act, until the twenty fifth day of March one thousand seven hundred and fifty six, and no longer (except in respect to such merchant ships, and other trading ships or vessels, which shall be on their voyage before the said twenty fifth day of March one thousand seven hundred and fifty six, who shall be and are hereby allowed the liberty and benefit of returning home, navigated in the manner as herein after is provided) it shall and may be lawful for any merchant ship, or other trading ship or vessel, to be navigated by foreign seamen or mariners, not being natives of Great Britain, or of any of the colonies or plantations thereto belonging, or his Majesty's natural or naturalized subjects, so as the number of such foreign seamen or mariners do not exceed three fourths of the mariners at any one time employed to navigate such merchant ship, or other trading ship or vessel; and that one fourth at least of the mariners or seamen so employed be at all times natives, or his Majesty's naturalized subjects of Great Britain (sudden death, and hazard and casualties of war and the seas saved and excepted) one act of parliament made in the twelfth year of the reign of his late majesty, King Charles the Second, intituled, *An act for the encouraging and increasing of shipping and navigation*, or any other statute or law to the contrary notwithstanding.

so as the number employed do not exceed three fourths of the whole crew, and the other fourth be always natives of Great Britain.  
Death, and casualties of war and seas excepted;  
12 Car. 2.  
c. 18.

Proclama-  
tions not af-  
fected by this  
act.

13 Geo. 2. c. 3.

II. Provided always, That nothing in this act contained shall extend to take away or restrain the effect of any such royal proclamation as his Majesty, his heirs and successors, are empowered to make by virtue of an act passed in the thirteenth year of his Majesty's reign, intituled, *An act for the better supply of mariners and seamen to serve in his Majesty's ships of war, and on board merchant ships, and other trading ships, and privateers.*

## C A P. XVII.

*An act to amend an act made in the twenty sixth year of the reign of his present Majesty, intituled, An act for the amendment and preservation of the publick highways and turnpike roads of this kingdom; and for the more effectual execution of the laws relating thereto.*

26 Geo. 2.  
c. 30.

**W**HEREAS an act passed in the twenty sixth year of the reign of his present Majesty, intituled, An act for the amendment and preservation of the publick highways and turnpike roads of this

this kingdom ; and for the more effectual execution of the laws relating thereto, *bath not answered the good purposes intended thereby*, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this preſent parliament assembled and by the authority of the ſame, That for three years, to be computed, Carriages from the twenty fourth day of June in the year one thousand with wheels <sup>9</sup> seven hundred and fifty five, and no longer, it ſhall and may inches broad be lawful for all waggons, wains, carts and carriages, for all exempted goods and merchandize, either loaden or unloaden, having the of toll for 3 fellies of the wheels thereof of nine inches from ſide to ſide, at years. the leaſt, to paſs through all and every turnpike gate or gates, bar or bars, without paying of any toll or duty payable by virtue of any act or acts of parliament, for the ſaid ſpace of three years, to be computed from the ſaid twenty fourth day of June.

II. And be it further enacted by the authority aforesaid, That Waggons from and after the ſaid twenty fourth day of June it ſhall and with wheels <sup>6</sup> may be lawful for all waggons, having the fellies of the wheels inches broad thereof of the breadth or gauge of six inches from ſide to ſide, may be drawn at the leaſt, at the ſole or bottom of the wheel, to paſs through all and every turnpike gate or gates, bar or bars, with six horses; and all carts and other carriages, having the fellies thereof and carts by of the breadth or gauge of six inches from ſide to ſide, at the <sup>4</sup> horses; and leaſt, at the ſole or bottom of the wheel, with four horses; pay reduced without paying any more toll or duty than is paid for waggons <sup>tolls.</sup> now drawn by four, and carts drawn by three horses, or for the horses drawing the ſame.

III. And be it further enacted by the authority aforesaid, Trustees may That for three years, to be computed from the ſaid twenty fourth day of June, and no longer, the trustees appointed or to be appointed <sup>one fourth on</sup> by virtue or under the authority of any act or acts of parliament made or to be made, or any five or more of them, <sup>all carriages with narrow wheels.</sup> ſhall and may demand and take, or cause to be demanded and taken, an additional toll, if they ſhall find the ſame necessary upon conſidering the ſtate of their reſpective tolls, not exceeding one fourth part more than the tolls and duties payable by virtue of ſuch acts respectively for every coach, caravan, chaile marine, landau, berlin, chariot, chaife, chair and calash, and for all waggons, wains, carts and other carriages, not having the fellies of their wheels of the breadth or gauge of nine inches, or six inches from ſide to ſide, before the ſame ſhall reſpectively be permitted to paſs through any of the toll gates where tolls are payable by virtue of any of the ſaid acts respectively, to be applied to the ſame uses as the other tolls are by the ſaid acts.

IV. And, to avoid the leaſt ſuspicion that leſſening the tolls for benefit of and duties as aforesaid, may be any way prejudicial to creditors creditors on who haſe lent, or ſhall lend their money upon the ſecurity of the tolls; the tolls, be it enacted by the authority aforesaid, That all and <sup>road acts and tolls to be con-</sup> every act and acts of parliament made this ſeſſion of parliament, tinned for 5 or heretofore made, for repairing and amending turnpike roads, years from shall

their respective expira-  
tions.

shall be continued and be in full force for five years, to be computed from the several ends and expirations of all and every such act and acts respectively, and subject to the tolls and duties, and all the penalties, forfeitures, remedies, powers, authorities, clauses, rules, directions, payments and provisions respectively made and enacted by any of the said act or acts of parliament now or heretofore made for repairing and amending turnpike roads.

V. And whereas a doubt has arisen upon the construction of the words of the said recited act, made in the twenty sixth year of the reign of his present Majesty, which directs the fellies of the wheels of every waggon, wain, cart or wheel-carriage, to be of the breadth or gauge of nine inches from side to side, at the least; be it declared by the authority aforesaid, That it is true intent and meaning of this and the said recited act, that the sole or bottom of such fellies shall be of the breadth or gauge of nine inches from side to side, at the least, and that the sole or bottom of all such fellies shall be flat and even from side to side, or as near as may be.

Sole of the  
fellies intend-  
ed by the re-  
cited act to be  
9 inches  
broad, and  
flat.

Trustees to  
cause the roads  
to be levelled,  
and put into  
good con-  
dition.

VI. And be it further enacted by the authority aforesaid, That the trustees appointed by or under the authority of any act of parliament, made or to be made for repairing and amending turnpike roads, or any five of them shall from time to time, as there shall be occasion, cause all the turnpike roads within their respective districts, to be levelled and put into good condition, in such manner as shall be most commodious for the use of travellers, and for the several sorts of carriages passing upon the same.

Penalty of 5l.  
on persons  
occasionally  
unloading  
waggons to  
avoid pay-  
ment of the  
tolls,

to be levied  
by distress and  
sale;

and the  
driver to be  
committed.

VII. And be it further enacted by the authority aforesaid, That if any person or persons shall unload, or cause to be unladen, any goods, wares or merchandize, from any cart, waggon or other carriage, at or before the same shall come to any turnpike gate, with an intent to avoid the payment of any part of the tolls or duties to be thereat collected, each and every person being owner of such waggon or carriage, and being thereof convicted before the trustees of such tolls or duties, or any three or more of them, or one or more justice or justices of the peace for the county, riding, division or place, where the offence shall be committed, upon the oath of one or more credible witness or witnesses; which oath the said trustees, or any three or more of them, or the said justice or justices, are hereby impowered to administer, shall forfeit and pay the sum of five pounds; which sum, in case the same be not forthwith paid, shall be levied by distress and sale of the offender's goods and chattels, by warrant under the hand and seal, & hands and seals of the said trustees, or any three or more of them, or the said justice or justices, rendering the overplus to the owner (if any be) on demand, after deducting the reasonable charges of making such distress and sale, to be settled by such trustees, or any three or more of them, or by the said justice or justices; and each and every driver of such waggon or carriage, so offending,

and being thereof convicted as aforesaid, shall be committed to the house of correction for the space of one month ; and in case any collector or receiver of the tolls or duties at any gate or turnpike where or near to which any crane, machine or engine, for weighing of carriages, shall be built or erected, shall permit or suffer any cart, waggon or carriage, not having the fellies of their wheels of the breadth or gauge of nine inches from side to side, to pass or repass through any such gate or turnpike, without weighing the same, and being thereof convicted, in manner as aforesaid, such collector or receiver so offending shall be committed to the house of correction, to be there kept to hard labour for the space of one month.

VIII. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of June, all waggons, wains, or other four wheel carriages, not being common stage waggons or carriages (though the fellies of the wheels are not of the breadth of nine inches or six inches) may travel, pass or be driven upon any turnpike road, with any number of horses, or beasts of draught, not exceeding five horses or beasts of draught ; and if any owner or driver of any such waggon, wain or other four wheel carriage, shall travel, pass or drive any such waggon or other four wheel carriage, with more than five horses or beasts of draught, every such owner so offending, shall for every such offence forfeit and pay the sum of five pounds ; which said penalty shall be recovered and levied by distress and sale of the offender's goods and chattels, by warrant or warrants under the hands and seals of the trustees, or any three or more of them, of such district, or any one or more justice or justices of the peace, in or near to the place or places where the offence shall be committed ; or by action of debt, bill, plaint or information, in any of his Majesty's courts of record at Westminster ; where no escoin, protection, or wager of law, or more than one imparlance shall be allowed ; and in case any driver of any waggon, wain or other carriage aforesaid, shall act contrary to the true intent and meaning hereof, such justice or justices shall by warrant or warrants, under his or their hands and seals, commit such driver to the house of correction for the space of one month, there to remain without bail or mainprize.

IX. And whereas by the said act passed in the twenty sixth year of his present Majesty's reign, it is provided, That waggons, wains, carts, or other wheel carriages (not having the fellies of their wheels of the breadth or gauge of nine inches from side to side) may travel, pass or be drawn, upon any turnpike road, provided such waggon, wain, cart or other wheel carriage be drawn by oxen or neat cattle only : and whereas the allowance of oxen or neat cattle only, without an horse or horses, hath been found inconvenient and dangerous : be it therefore enacted, That any waggon, wain or other four wheel carriages, not having the fellies of their wheels of the breadth or gauge of nine inches from side to side, may travel, pass or be drawn upon any turnpike road, provided every such waggon, wain

Collector permitting narrow wheel-ed carriages to pass without weighing, to be committed.

Waggons with narrow wheels, not being common stagewaggons, may be drawn by five horses ; if drawn by more, to forfeit 5l.

and the driver to be committed.

Waggons, &c. with narrow wheels may be

drawn by 6 oxen in pairs, and 2 horses, or 8 oxen and 1 horse ; wain or other four wheel carriage, be not drawn by more than six oxen or neat cattle in pairs, and two horses, or eight oxen in pairs, with one horse ; and that any cart or other two wheel carriage, not having the fellies of their wheels of the breadth or gauge aforesaid, may travel, pass or be drawn, upon such turnpike road, provided such cart or two wheel carriage be not drawn by more than six oxen or neat cattle in pairs, and one horse ; or four oxen in pairs, and two horses ; any thing in the said act to the contrary notwithstanding.

and carts by 6 oxen and 1 horse, or 4 oxen and 2 horses.

The horses, &c. drawing carriages with broad wheels exempted from toll for 3 years.

Where the tolls do not amount to more than one halfpenny on each horse drawing, &c. the trustees, if necessary may take addition al tolls.

X. And whereas doubts may arise from the construction of divers acts of parliament, where the toll or duty is made payable upon the horse or other beast drawing, and not upon the carriage itself ; be it enacted by the authority aforesaid, That in all such cases, the horses or beasts drawing such carriage, using such broad wheels as are directed by the said act made in the twenty sixth year of the reign of his present Majesty, and by this present act, shall for the space of three years, to be computed as aforesaid, be intitled to such exemption from the payment of any toll or duty payable by virtue of any former act or acts of parliament, as all carriages using broad wheels are intitled unto by virtue of this present act.

XI. And be it further enacted by the authority aforesaid, That in all cases where by virtue of any act or acts of parliament now in force, the toll or duty on horses or other beasts, drawing or passing through any turnpike bar or gate, doth not amount to more than the sum of one halfpenny for every horse drawing any wheel carriage whatsoever, not having the fellies of their wheels of the breadth or gauge of nine inches, or six inches from side to side, or to more than one penny for two horses drawing any such carriages as aforesaid, or to more than three half-pence, for three horses drawing any such carriages as aforesaid, the trustees, or any five or more of them, appointed by virtue or under the authority of such acts of parliament, shall and may if they shall find the same necessary, upon considering the state of their respective tolls, collect double the former tolls or duties, in case such tolls or duties do not exceed one halfpenny, and three half pence in case the same do not exceed one penny, and two pence in case the same do not exceed three half pence, and may collect the additional tolls or duties which are directed to be taken by this act, in cases where the present toll or duty amounts to two pence or more upon the horses drawing any carriage, in such and the same manner as if such toll or duty was laid upon the carriage ; any thing herein or in any former act contained to the contrary in any wise notwithstanding.

XII. And whereas complaint has been made that fraudulent contrivances have been practised by offenders, their friends, and others, to evade the just recovery of forfeitures and penalties inflicted by the laws relating to turnpike roads, by setting up colourable prosecutions and seizures with intent to favour offenders against the said laws, and to discourage just and real prosecutions ; for remedy whereof, be

be it enacted by the authority aforesaid, That it shall and may Prior prose-  
be lawful for all courts, and all and every justice or justices of cutions and  
the peace before whom there shall be any action, information or seizures to  
proceeding, for any penalty or forfeiture inflicted by any act or offend-  
acts of parliament made or to be made for repairing and amend-  
ing turnpike roads, or any way relating to or concerning the  
fame; and they are hereby required, where any prior seizure, <sup>cutions and</sup>  
action, information or conviction, shall be set up, or insisted  
upon, by way of defence, or to defeat any action, information  
or proceeding, or any seizure for any forfeiture or penalty inflict-  
ed as aforesaid, to examine into the real merits of such prior  
seizure, action, information, proceeding or conviction; and if  
thereupon it shall appear that the same was not done, made or  
prosecuted effectually, to recover and apply the penalty or for-  
feiture for the true and real ends and purposes for which such  
penalties or forfeitures were enacted, but to favour the offend-  
er, such prior seizure, action, information or conviction, shall  
be deemed to be fraudulent, and null and void, to all intents  
and purposes whatsoever; and every such court, justice or ju-  
stices of the peace, shall proceed to determine and give judg-  
ment, as if no such prior seizure, action, information or con-  
viction, had been made, had, prosecuted or obtained.

XIII. And whereas great mischief hath arisen from mean per-  
sons acting as trustees in the execution of such acts of parliament made  
for repairing publick roads in that part of Great Britain called Eng-  
land, as do not direct and require that the trustees thereby appointed  
shall be qualified to act as such by the possession of real or personal estate  
to a certain value; be it therefore enacted by the authority afore-  
said, That from and after the said twenty fourth day of June, no General quali-  
person shall be qualified, or capable of acting as a trustee in the fication of  
execution of any such act as aforesaid, unless he shall be in his  
own right, or in right of his wife, in the actual possession or re-  
ceipt of the rents and profits of lands, tenements or heredita-  
ments, of the clear yearly value of forty pounds, or possessed of,  
or intitled to, personal estate alone, or real and personal estate  
together, to the value of eight hundred pounds, or shall be heir  
apparent of a person possessed of an estate in land of the clear  
yearly value of eighty pounds, and unless he shall (not being  
such heir apparent as aforesaid) before he acts as such trustee,  
take and subscribe the oath following before any two or more of  
the trustees appointed or to be appointed by or in pursuance of  
such act, who are hereby authorized and required to administer to be attested  
the same in the words, or to the effect following; that is to say, on oath.

I A. B. do swear, That I truly and bona fide am in my own  
right, or in right of my wife, in the actual possession and enjoy-  
ment, or receipt of the rents and profits of lands, tenements or here-  
ditaments, of the clearly value of forty pounds, or possessed of, or intit-  
led to a personal estate alone, or real and personal estate together, to  
the value of eight hundred pounds. So help me G O D.

And

Penalty of  
acting if not  
qualified, 50l.

And if any person shall presume to act contrary to the true intent and meaning hereof, every such person shall, for every such offence, forfeit and pay the sum of fifty pounds to any person who shall sue for the same; to be recovered in any of his Majesty's courts of record at *Westminster*, by action of debt, or on the case, or by bill, suit or information, wherein no essoin, protection or wager of law, nor more than one imparlance, shall be allowed.

The words  
common stage  
waggon, or  
cart, to be  
painted on  
such carriages  
w.th narrow  
wheels.

XIV. And be it further enacted by the authority aforesaid, That every owner or owners of any common stage waggon or cart, from and after the said twenty fourth day of *June*, having the fellies of the wheels of less breadth and gauge than nine inches, or six inches, from side to side, shall, over and above what he or they is or are obliged by law to write or paint, or cause to be written or painted, upon his or their waggon or cart, paint or cause to be painted, upon the tilt of every such waggon or cart which has a tilt, and upon the most conspicuous part of such waggon or cart which has not a tilt, the following words in large and legible characters; that is to say, COMMON STAGE WAGGON, or CART, as the case may be; and if any owner or owners of any such waggon or cart shall, from and after the said twenty fourth day of *June*, travel with or use by himself or servant, any such waggon or cart, without the words hereby required to be painted as aforesaid, he shall forfeit and lose one of the horses or beasts of draught (not being the shaft or thill horse) together with all the geers and accoutrements to such horse or beast of draught belonging, to the sole use and benefit of the person or persons who shall seize or distrain the same; and the person or persons making such seizure or distress, shall proceed in like manner, and be intitled to the like remedy, as is directed and given in cases of seizures of horses by the said act made in the twenty sixth year of the reign of his present Majesty.

XV. And whereas many persons are deterred from prosecuting offences committed agaist the several turnpike laws, and it is inconvenient to others being upon journeys, or engaged on necessary busness, to prosecute the same as the law now stands: and whereas many laws have been made for and relating to turnpike roads since the twenty fourth year of the reign of his present Majesty, and more acts of the same kind are likely to be made; be it enacted by the authority aforesaid, That every prosecutor or informer may at his election sue for and recover any forfeiture or penalty imposed by this or any act or acts of parliament made or to be made for erecting turnpikes for repairing and amending turnpike roads, or by any other act or acts of parliament relating to turnpike roads, in the same manner as such forfeitures and penalties are severally and respectively directed to be sued for and recovered, or by action at law, to be brought by such informer or prosecutor in any of his Majesty's courts of record at *Westminster* in manner following (that is to say) where any person shall be liable to any such pecuniary penalty, it shall be lawful to sue for and recover the same

Penalty, and  
how to pro-  
ceed therein.

Method of  
prosecution  
for recovery of  
penalties  
which are pe-  
cuniary;

same by action of debt, in which it shall be sufficient to declare that the defendant is indebted to the plaintiff in the sum of

being forfeited by an act, intituled, *An act to amend an act made in the twenty fifth year of the reign of his present Majesty, intituled, An act for the amendment and preservation of the publick highways and turnpike roads of this kingdom, and for the more effectual execution of the laws relating thereto*: and where the penalty or forfeiture is or shall be of any horse or beast of draught, or other goods, by an action of trover against the person liable to such penalty, in which the value of any such horse, beast of draught, or other goods, as is or are liable to the forfeiture, shall be given in damages, without any proof of any seizure or demand.

XVI. Provided, That there shall not be more than one recovery for the same offence duly and bona fide, and without fraud, had and obtained for the same; and that no action shall be brought by virtue of this act, in any of his Majesty's said courts of record, unless the same be brought before the end of six months after the offence committed.

XVII. And, to enforce further a due observation of this and the said recited act, be it enacted by the authority aforesaid, That every surveyor of any turnpike road, and every toll-gatherer, and all such persons employed by commissioners and trustees appointed for the repairing roads, as receive salaries or rewards, who shall wilfully neglect to seize any supernumerary horse or horses drawing in any waggon, wain or cart, contrary to the true intent and meaning of this and the said recited act, and shall also wilfully neglect to lay such information upon oath, before one or more of his Majesty's justices of the peace for the county wherein such offence was committed, or before the proper commissioners or trustees at their respective meetings, as by the said recited act is directed, shall, upon due information made upon oath before one or more of his Majesty's justices of the peace for the said county or place, forfeit the sum of ten pounds; forfeit vol. gl. five pounds thereof to be paid to the informer, and the remaining five pounds to be laid out in amending the roads, in such er, &c. manner as the commissioners and trustees for such respective turnpikes shall think fit.

XVIII. Provided, That no such surveyor, or other person, shall be liable to the said penalty for any such wilful neglect committed before the said twenty fourth day of June one thousand seven hundred and fifty five.

Officers, &c.  
not liable for  
neglects com-  
mitted before  
24 June 1755

### C A P. XVIII.

An act to continue several laws relating to the distemper now raging among the horned cattle in this kingdom.

The several laws made to prevent the spreading of the distemper amongst the horned cattle, further continued to 1 Sept. 1755. &c.

## C A P. XIX.

*An act for making perpetual an act passed in the twenty fifth year of the reign of his present Majesty, for the better preventing thefts and robberies, and for regulating places of publick entertainment, and punishing persons keeping disorderly houses; for the further punishing persons selling ale or other liquors without licence; for the preventing the burning or destroying of goss, furze or ferne, in forests or chaces; for giving further time for the payment of duties omitted to be paid for the indentures or contracts of clerks and apprentices, and for the filing of affidavits of the execution of contracts of clerks to attorneys and solicitors.*

Act 25 Geo. 2. c. 36. made perpetual.

WHEREAS an act passed in the twenty fifth year of the reign of his present Majesty, intituled, An act for the better preventing thefts and robberies, and for regulating places of publick entertainment, and punishing persons keeping disorderly houses, which was to continue in force until the expiration of three years, and from thence to the end of the then next session of parliament, has by experience been found useful and beneficial, and is near expiring: may it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That the said act shall be, and the same is hereby made perpetual.

26 Geo. 2. c. 31. II. And whereas doubts have arisen upon the construction of an act of parliament passed in the twenty sixth year of the reign of his present Majesty, intituled, An act for regulating the manner of licensing ale-houses, in that part of Great Britain called England; and for the more easily convicting persons selling ale and other liquors without licence, whether a person having been convicted of three several offences in selling ale, beer or other liquors, without a licence from two justices of the peace, as by the said act is directed, is liable to pay forfeiture for any such offence, of which he may be guilty after such final conviction, be it further enacted by the authority aforesaid, That every person so selling without a licence as aforesaid, after such third conviction, shall, for every such offence, so often as it shall happen, forfeit the sum of six pounds, to be levied and disputed of in like manner as the forfeitures on the first, second and third conviction are directed to be, in and by the said act; and in case no sufficient distress shall be found, whereon to levy the said several forfeitures, then the justice of the peace who shall have convicted such offender, shall and may commit him or her so convicted to the common gaol, or other prison or house of correction within his jurisdiction, without bail or mainprise, until such offender shall be discharged by order of the court of general or quarter sessions.

Offenders, after third conviction, to forfeit 6l. for every offence.

III. Where-

III. Whereas the burning and destroying of gos, furze and fern, in and upon forests and chaces, as it is frequently done by divers disorderly and dissolute persons, doth not only destroy the cover necessary for the preservation of the deer and game there, but hath also been the occasion of burning, damaging and destroying of great quantities of timber, young springs of wood and underwood and fences, within the said forests and chaces, and places thereunto adjacent, to the great damage and prejudice of the owners and proprietors thereof; and the laws now in being are not sufficient to prevent the same; be it therefore enacted by the authority aforesaid, That if any person or persons <sup>convicted of setting fire to</sup> persons not having a right or legal licence to do the same, shall at any time after the first day of August one thousand seven hundred and fifty five, set fire to, burn or destroy, or shall abet, aid or assist in, or at the burning or destroying of any gos, furze <sup>gos, furze,</sup> or fern, growing or being in or upon any forest or chace, with- <sup>in chaces or</sup> in that part of Great Britain called England, without the licence or consent of the owner or proprietor, or the person chiefly intrusted with the care, oversight, and custody of such forest or chace, or some part thereof, and being brought before one or more justice or justices of the peace for the county, riding, division or place, where such forest or chace shall lie, and shall be thereof convicted by confession, or upon the oath of one or more credible witness or witnesses (which oath such justice or justices is and are hereby empowered to administer) or upon the view of such justice or justices, every such person or persons being so convicted, shall for every such offence forfeit and pay any sum not exceeding five pounds, nor less than forty shillings, <sup>to forfeit not less than 40s. or more than 5l.</sup> one moiety thereof to the informer, and the other moiety to the use of the poor of the parish where the offence shall be committed; which penalty, in case the same be not forthwith paid, shall and may be levied by distress and sale of the offender's goods and chattels, by warrant or warrants under the hand and by distress seal or hands and seals of such justice or justices; and in case and sale, &c. no sufficient distress can be found, then it shall and may be lawful for such justice or justices to commit such offender or offenders to the common gaol of the county or place where such offence shall be committed, for any time not exceeding three months, nor less than one month.

IV. And, for the relief of any person or persons, who, through neglect or inadvertency, have omitted to pay the several rates and duties, or any part thereof, upon monies given, paid, contracted or agreed for, with or in relation to any clerk, apprentice or servant, who hath been put or placed to or with any master or mistress to learn any profession, trade or employment, and to have such indentures, or other writings which contain the covenants, articles, contracts or agreements, relating to the service of such clerk, apprentice or servapt, stamped within the times by the several acts of parliament for those purposes respectively limited, or who have also in like manner omitted to insert and write, in words at length, in such indentures or other writings as aforesaid, the full sum or sums of money, or any part thereof,

Further time allowed for payment of the duties omitted to be paid for clerks and apprentices.

received or in any wise directly or indirectly given, paid, or agreed or contracted for, with or in relation to every such clerk, apprentice or servant as aforesaid, be it enacted, That upon payment of the rates and duties upon monies, or such part of such monies, so neglected or omitted to be paid as aforesaid, on or before the first day of *August* one thousand seven hundred and fifty five, to such person or persons to whom the same ought to be paid, and tendering the said indentures or other writings to be stamped at the same time, or at any time on or before the twenty ninth day of *September* one thousand seven hundred and fifty five (of which timely notice is to be given in the *London Gazette*) the same indentures or other writings shall be good and available in law and equity, and may be given in evidence in any court whatsoever; and the clerk, apprentice or servant therein named, shall be capable of following and exercising their respective intended trades or employments, as fully as if the said rates and duties so omitted had been duly paid, and the full sum or sums received or agreed for as aforesaid had been inserted; and the persons who have incurred any penalties by the omissions aforesaid, shall be acquitted and discharged of and from the said penalties; any thing in the said former acts to the contrary notwithstanding.

V. And whereas divers persons through mistake, absence, or some unavoidable accident, to the prejudice of infants, and others, have omitted to cause affidavits to be made and filed in the proper offices, of the actual execution of several contracts in writing to serve as clerks to attorneys and solicitors, within the time limited and expressed by certain acts passed in the twenty second and twenty fourth years of his present Majesty's reign, whereby many persons may be in danger of incurring the disabilities in the said act of the twenty second year of his present Majesty's reign specified; be it therefore enacted by the authority aforesaid, That all and every person and persons who have omitted to cause such affidavit or affidavits to be made and filed as aforesaid, and who shall, on or before the first day of *Hilary Term* next, cause one or more affidavit or affidavits to be made and filed in such manner as directed by the said last recited acts, or either of them, shall be and are hereby indemnified, freed and discharged from and against all penalties, forfeitures, incapacities and disabilities in the said act of the twenty second year of his present Majesty's reign mentioned, incurred or to be incurred, for or by reason of any neglect or omission in causing such affidavit or affidavits so to be made and filed as aforesaid, according to the directions of the said last recited acts, or either of them; and such affidavit or affidavits so to be made and filed as aforesaid, shall be as effectual to all intents and purposes, as if the same had been made and filed within the respective times limited by the said several last recited acts, or either of them.

Further time allowed for filing of affidavits of the execution of contracts of clerks to attorneys.

## C A P. XX.

*An act for continuing, explaining and amending, the several acts of parliament made for the further encouragement of the whale fishery carried on by his Majesty's subjects; and to authorize the payment of the bounty to Thomas Hood and others, upon three ships fitted out for the said fishery, and lost in the Greenland Seas.*

WHEREAS divers acts of parliament have been made for the encouragement of his Majesty's subjects to carry on and improve the whale fishery, which by the bounties given by the said acts has of late years gradually increased, and by the continuance thereof will still further increase, to the great advantage of the trade and navigation of this kingdom; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That an act made in the fifth year of his present Majesty's reign, in- <sup>5 Geo. 2. c. 28.</sup> tituled, *An act for encouraging the Greenland fishery*, which was to be in force for nine years, from the twenty fifth day of December one thousand seven hundred and thirty one, and which act by an act of parliament made in the thirteenth year of his present Majesty's reign, intituled, *An act for continuing several laws therein mentioned, relating to the premiums upon the importation of masts, yards and bowsprits, tar, pitch and turpentine; to British made sail cloth, and the duties payable on foreign sail cloth; to the Greenland and to the whale fishery; for granting a further bounty for all ships employed in the whale fishery during the present war; for exempting harpooneers and others employed in the Greenland fishery trade, from being impressed; and for giving further time for the payment of duties omitted to be paid for the indentures and contracts of clerks and apprentices*, was continued unto the twenty fifth day of December one thousand seven hundred and fifty, and from thence to the end of the then next session of parliament; and which act, by an act of parliament made in the twenty sec- <sup>22 Geo. 2. c. 45.</sup> ond year of his present Majesty's reign, intituled, *An act for the further encouragement and enlargement of the whale fishery, and for continuing such laws as are therein mentioned, relating thereto; and for the naturalization of such foreign protestants as shall serve for the time therein mentioned, on board such ships as shall be fitted out for the said fishery*, was further continued unto the twenty fifth day of December one thousand seven hundred and fifty seven, and from thence to the end of the then next session of parliament; shall be, and the same is hereby further continued, from the further conti- time in the said last-mentioned act limited for the expiration <sup>Dec. 1764, &c.</sup> thereof, unto the twenty fifth day of December which shall be in the year one thousand seven hundred and sixty four, and from thence to the end of the then next session of parliament.

II. And be it further enacted by the authority aforesaid, That an act made in the sixth year of his present Majesty's reign,

6 Geo. 2. c. 33. intituled, *An act for the further encouragement of the whale fishery, carried on by his Majesty's British subjects; which was to be in force during the continuance of the last-mentioned act of the fifth year of his present Majesty's reign, intituled, An act for encouraging the Greenland fishery; and which was by the said act of the thirteenth year of his present Majesty's reign continued unto the twenty fifth day of December one thousand seven hundred and fifty seven, and from thence to the end of the then next session of parliament; and which act was by the said act of the twenty second year of his present Majesty's reign continued unto the twenty fifth day of December one thousand seven hundred and fifty seven, and from thence to the end of the then next session of parliament, shall be, and the same is hereby further continued, from the time in the said last-mentioned act limited for the expiration thereof, unto the twenty fifth day of December which shall be in the year one thousand seven hundred and sixty four, and from thence to the end of the then next session of parliament.*

22 Geo. 2. c. 45. And be it enacted by the authority aforesaid, That the said act of the twenty second year of his present Majesty's reign, continued to 25 Dec. 1764. intituled, *An act for the further encouragement and enlargement of the whale fishery, and for continuing such laws as are therein mentioned, relating thereto; and for the naturalization of such foreign protestants, as shall serve for the time therein mentioned, on board such ships as shall be fitted out for the said fishery, which was to be in force from the twenty ninth day of September one thousand seven hundred and forty nine, until the twenty fifth day of December one thousand seven hundred and fifty seven, and from thence to the end of the then next session of parliament, shall be, and the same is hereby continued, from the time therein limited for the expiration thereof, unto the twenty fifth day of December in the year one thousand seven hundred and sixty four, and from thence to the end of the then next session of parliament.*

**Tonnage  
bounty to be  
paid out of  
any other of  
the revenues,  
if the old sub-  
sidy be not  
sufficient.**

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners of the customs in England and Scotland respectively, to order the respective receivers general of the customs, in case the monies remaining in their hands arising from the old subsidy, shall not be sufficient to satisfy the said bounty of forty shillings per ton, payable on all ships employed in the said fishery, according to the directions of the said several acts, and of this present act, to pay the same out of any monies that shall be in their hands arising from any of the duties and revenues under their management respectively.

**An appren-  
tice, for every  
50 tons, to be  
on board each  
ship, &c.**

V. Provided always, and be it enacted by the authority aforesaid, That every ship which shall be employed in the said fishery, shall, from and after the twenty fifth day of December in the year one thousand seven hundred and fifty seven, have on board an apprentice indentured for the space of three years at the least, for every fifty tons burthen, who shall be accounted as one of the number of men which by law ought to be on board such ship; and in case any ship shall proceed on the whale fishery, without conforming to the above regulation, the owner

or owners of every ship so offending, shall lose the bounty which would otherwise be payable thereon.

VI. Provided also, and be it enacted by the authority aforesaid, That from and after the twenty fifth day of December in the year one thousand seven hundred and fifty seven, no ship to be employed in the said fishery, although she be above the burthen of four hundred tons, shall be intituled to a larger bounty than a ship of four hundred tons would be entitled to.

VII. Provided always, That nothing in the said former acts, or in this present act contained, shall extend, or be construed to extend, to oblige the owner or owners of any ship above the burthen of four hundred tons, in order to intitle him or them to the said bounty, to fit out, equip and man any such ship, otherwise than as a ship of the burthen of four hundred tons only is by the said acts or by this present act required to be fitted out, equipped and manned.

VIII. And whereas by the said acts made in the sixth and twenty second years of the reign of his present Majesty, the bounty of forty shillings per ton is confined to ships of the burthen of two hundred tons and upwards; and it hath been found by experience, that ships under the burthen of two hundred tons are fit for the said fishery; be it therefore enacted by the authority aforesaid, That from and after the twenty fifth day of March one thousand seven hundred and fifty five, and during the continuance of the said bounty of forty shillings per ton, payable as aforesaid, the same shall be paid to the owners of all ships under the burthen of two hundred tons, which shall be employed in the said fishery, according to the admeasurement thereof, in such manner, and by and under such rules, directions and restrictions, as by the said acts, and by this present act, the said bounty is made payable to the owners of ships of the burthen of two hundred tons and upwards, employed in the said fishery; provided the owner of no such ship shall be entitled to such bounty unless he shall in all respects conform to the regulations prescribed by the said recited acts, and by this present act, to the owners of ships of the burthen of two hundred tons.

Bounty allow-  
ed to vessels  
under 200  
tons.

IX. And whereas the dispatch of ships to the Greenland Seas and Davis's Streights, and seas adjacent, on the whale fishery, must of necessity be within the months of March or April; be it therefore enacted by the authority aforesaid, That every owner or owners of any ship or ships under the burthen of two hundred tons, which shall sail on the said voyage and fishery on or before the twenty fifth day of March one thousand seven hundred and fifty five, who have conformed themselves in all respects to the rules and directions prescribed by the said acts, of the sixth and twenty second years of the reign of his present Majesty, and of this present act, shall be entitled to the said bounty of forty shillings per ton, according to the admeasurement of such ship or ship respectively.

Vessels under  
200 tons which  
shall sail be-  
fore 25 March  
1755. entitled  
to the bounty.

X. And be it further enacted by the authority aforesaid, That the commissioners of his Majesty's customs for England and Scotland, shall be entitled to the customs to

report to parliament the ships employed in the fishery. Scotland respectively, shall, at the beginning of every session of parliament lay before both houses of parliament an account in writing, under their hands, of what number of ships have been employed in the whale fishery, to Davis] Straights and the Greenland Seas, with their respective names and burthens, from whence they were fitted out, and at what port in Great Britain they were discharged, and also what quantity of oil or whale fins each ship shall have imported.

Bounties to be paid to Hood, Manbey, and Bowles, for vessels employed and lost in the Greenland Seas.

Owners may insure the bounty.

XI. And whereas Thomas Hood, James Manbey, and Leonard Bowles, of London, merchants, did fit out in the year one thousand seven hundred and fifty four, three ships called the Elizabeth and Mary, the Mary and the Argus, for the whale fishery in the Greenland Seas, in the manner prescribed and appointed by the said acts, and which said ships were actually employed in the said fishery, but were unavoidably lost in the said seas; be it therefore enacted by the authority aforesaid, That the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall be, and he or they are hereby empowered to direct, if he or they think fit, the payment of the bounties which the said Thomas Hood, James Manbey, and Leonard Bowles, would have been intitled to, in case the said ships had returned to this kingdom: any thing in the said two several acts contained to the contrary notwithstanding.

XII. And whereas a doubt hath arisen, whether the bounty payable on ships employed in the said fishery may be insured; for obviating such doubt, and for preventing any future applications to parliament for the bounty on any such ship which may happen to be lost at sea before her return to Great Britain, although fitted out and navigated according to the direction of the said former acts, and this present act, the risk of which loss ought to be borne by the owner or owners of such ship, if he or they had the liberty to insure the bounty payable thereon; be it therefore declared and enacted by the authority aforesaid, That it shall and may be lawful for the owner or owners of any ship employed, or designed to be employed in the said fishery, to insure the bounty which such owner or owners would be intitled to, upon the return of such ship to the port to which the master and mate of such ship shall have declared on oath their intention to return, and on the performance of all other matters directed and appointed by the said acts, and by this present act to be performed, for obtaining the said bounty.

### C A P. XXI.

*An act for making more effectual the laws prohibiting the importation of spirituous liquors in casks or vessels not containing sixty gallons, and of tea above the quantity of six pounds, found on board any British ship or vessel, not belonging to, or employed by, the East India company.*

WHEREAS, for preventing the frauds frequently used in importing of strong water, spirits, aqua vita, or brandy, in

in small quantities, whereby the same is more easily conveyed away without payment of the duties thereof, it is by a clause in an act made in the fourth year of the reign of King William and Queen Mary, 4 Will. & M. intituled, An act for granting to their Majesties certain additional impositions upon several goods and merchandizes for the prosecuting the present war against France, enacted, That no brandy, single or double, shall be imported from parts beyond the seas, in any vessel or cask which shall not contain sixty gallons at the least, upon pain of forfeiting the said brandy, or the value thereof, so to be imported as aforesaid: and whereas by a clause in one other act made in the fifth year of the reign of his late majesty King George the First, 5 Geo. 1. c. 21. intituled, An act against clandestine running of uncustomed goods, and for the more effectual preventing of frauds relating to the customs, reciting, That rum had been then imported in much greater proportions than formerly; and that the importing thereof in small casks or vessels was many times done with design, that the same might more easily, privately and clandestinely be carried off and conveyed, without paying the duties; it is enacted, That if any rum shall be imported or brought into Great Britain, or into any port, harbour, haven, or creek thereof, in any cask or vessel not containing twenty gallons at the least (excepting only for the use of seamen then belonging to and on board such ship or vessel) all such rum, or the value thereof, shall be forfeited; nevertheless, if it shall be made appear to the satisfaction of the principal officers of the customs at the port of importation, that such rum so imported in small casks, was for the use of the master or seamen belonging to the ship or vessel in the voyage, or imported by merchants or traders without fraud or concealment, that then, and in every such case, the said officers are thereby impowered and directed to admit such rum to an entry, and cause the duties thereof to be accepted instead of the forfeiture thereof before mentioned; which said last mentioned clause, by virtue of several subsequent acts, is continued until the twenty ninth day of September one thousand seven hundred and sixty, and from thence to the end of the then next session of parliament: and whereas by a clause in one other act made in the ninth year of the reign of his present Majesty, intituled, An act for indemnifying persons who have been guilty of offences against the laws made for securing the revenues of customs and excise, and for enforcing those laws for the future; it is enacted, That where any ship or vessel whatsoever coming or arriving from foreign parts, and having on board six pounds of tea, or any foreign brandy, arrack, rum, strong waters, or other spirits whatsoever, in casks under sixty gallons (except only for the use of the seamen then belonging to, and on board such ship or vessel, not exceeding two gallons for each seaman) shall be found at anchor, or hovering within the limits of any of the ports of this kingdom, or within two leagues of the shore, or shall be discovered to have been within the limits of any port, and not proceeding on her voyage, wind and weather permitting (unless in case of unavoidable necessity and distress of weather, of which necessity and distress, the master, purser, or other person, having or holding the charge or command of such ship or vessel, shall give notice to and make proof of before the collector, or other chief

Geo. 2. c. 35.

9

chief officer of the customs, of such port as aforesaid, immediately after the arrival of such ship or vessel into the said port) all such tea, foreign brandy, arrack, rum, strong waters and spirits, together with the chests, boxes, casks, and other package whatsoever, containing the same goods, or the value thereof, shall be forfeited and lost (whether bulk shall then have been broken or not) and the same goods and package shall and may be seized and prosecuted, or the value thereof be sued for, by any officer or officers of the customs or excise, in such manner and form as in and by the said act is expressed: and whereas, notwithstanding the several provisions so made for preventing such frauds, ships and vessels arriving from foreign parts frequently have on board quantities of such liquors in small casks, and also tea, which liquors and tea are intended to be run on shore, without payment of the respective duties thereof; but in order to prevent the seizure and forfeiture thereof, are brought into port under pretence that they are designed for exportation, and are frequently reported for exportation to foreign parts, and nevertheless are afterwards run on shore; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of June one thousand seven hundred and fifty five, no brandy, arrack, rum, geneva, strong waters, or other spirits whatsoever, which shall be imported or brought into Great Britain, in any cask or other vessel, which shall not contain sixty gallons at the least of such liquors respectively, shall be entered or reported for exportation, or exported to foreign parts; and all entries and reports which after the said twenty fourth day of June one thousand seven hundred and fifty five, shall be made of such liquors, contrary to the directions of this act, are hereby declared to be null and void; and all tea above the quantity of six pounds, which shall be found in any British ship or vessel, arriving in Great Britain from foreign parts (excepting those belonging to or employed by the East India company) shall be forfeited and lost, whether such tea shall be intended or reported for exportation or not.

No spirituous liquors imported in vessels under 60 gallons, may be entered or reported for exportation.

All tea above 6 lb. found in British vessels arriving from foreign parts, to be forfeited. India company's ships excepted.

## C A P. XXII.

*An act for granting to his Majesty a certain sum of money therein mentioned out of the sinking fund; and applying certain monies remaining in the exchequer for the service of the year one thousand seven hundred and fifty five; and for carrying the surplus of certain duties to the sinking fund; and for the further appropriating the supplies granted in this session of parliament.*

*Most gracious Sovereign,*

**W**E your Majesty's most dutiful and loyal subjects the commons of Great Britain in parliament assembled, being desirous to raise the residue of the necessary supplies which we have

*have*

have chearfully granted to your Majesty in this session of parliament, by ways and means the least burthensome to your Majesty's subjects, have resolved to give and grant to your Majesty the sum herein after-mentioned; and do therefore most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That by or out of such monies as now are, or shall from time to time be and remain in the receipt of the exchequer, of the surplusses, excesses, overplus monies, and other revenues composing the fund commonly called the *Sinking fund*, (after paying or reserving sufficient to pay all such sums of money as have been directed by any former act or acts of parliament to be paid out of the same) there shall and may be issued and applied a sum not exceeding the sum of one million four hundred and twenty thousand pounds, for and towards the supply granted to his Majesty for the service of the year one thousand seven hundred and fifty five; and the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, are hereby authorized and impowered to issue and apply the same accordingly.

1,420,000 l.  
granted out of  
the sinking  
fund for the  
current year.

II. And be it further enacted by the authority aforesaid, That the sum of three thousand three hundred forty one pounds 3,341 l. 19 s. nineteen shillings and two pence farthing remaining in the plus of the last receipt of the exchequer, being the overplus of the grants for year's grants; the service of the year one thousand seven hundred and fifty 16,494 l. 17 s. 10d. 2q. surfour; and also the sum of sixteen thousand four hundred ninety plus of the four pounds seventeen shillings and ten pence halfpenny, re-duty on coals; maining in the receipt of the exchequer, of the surplus of the 19,923 l. 12s. duties on coals since the twenty fifth day of March one thou- dums for re- sand seven hundred and nineteen; and also the sum of nine- tailing spiritu- teen thousand nine hundred and twenty three pounds twelve ou. liquors; shillings and nine pence, remaining in the receipt of the exche- 28,201 l. 19 s. quer, of the surplus of the duties on licences for retailing spi 8d. surplus of rituous liquors; and also the sum of twenty eight thousand two the lottery hundred and one pounds nineteen shillings and eight pence, re- 1-14, to be maining in the receipt of the exchequer, of the surplus of the funds for the lottery in the year one thousand seven hundred of the supply. and fourteen, shall and may be issued and applied at the said receipt as part of the supply granted to his Majesty for the ser- vice of the year one thousand seven hundred and fifty five.

III. And whereas by an act of the first year of his Majesty's reign, 1 Geo. 2. c. 8. for granting an aid to his Majesty by sale of annuities to the bank of England, at four pounds per centum per annum, redeemable by parliament, and charged on the duties on coals and culm, and for other purposes therein mentioned, certain duties upon coals and culm were charged with the payment of an annuity after the rate of four pounds per centum per annum, from the feast of Saint John the Baptist one thousand seven hundred and twenty eight, for and upon the sum of

**one million seven hundred and fifty thousand pounds, contributed by the governor and company of the bank of England, in pursuance of the said act; in which act it is provided, That in case there shall be any surplus or remainder of the monies arising by the said duties at the end of any one year, computing the same to end at Christmas yearly, after the said annuity and all arrears thereof are satisfied, or money reserved for that purpose, such surplus or remainder shall from time to time be reserved for the disposition of parliament: and whereas by an act of the second year of his Majesty's reign, for raising one million two hundred and fifty thousand pounds by sale of annuities to the bank of England at four pounds per centum, redeemable by parliament, and for other purposes therein mentioned, certain surplus monies of the duties and revenues on soap, paper, certain linens, silks, calicoes and stuffs, and upon starch, and exported coals, and upon stamp vellum, parchment, and paper, which were granted by an act made in the twelfth year of the reign of her late majesty Queen Anne, were charged with the payment of an annuity after the rate of four pounds per centum per annum, from the feast of Saint John the Baptist one thousand seven hundred and twenty nine, for and upon the sum of one million two hundred and fifty thousand pounds, contributed by the governor and company of the bank of England in pursuance of the said act; in which said act it is provided, That in case there shall be any surplus or remainder of the monies arising by the said duties at the end of any one year, computing the same to end at Christmas yearly, after the said annuity, and all arrears thereof, are satisfied, or money reserved for that purpose; such surplus or remainder shall from time to time be reserved for the disposition of parliament: now, to the end the said several surplus or overplus monies may be applied, be it**

**enacted by the authority aforesaid, That from and after the fifth day of July one thousand seven hundred and fifty five, the surplus or overplus monies of the said duties on coals and culm, and also the surplus or overplus monies of the duties and revenues on soap, paper, linens, silks, calicoes and stuffs, and upon starch and exported coals, and upon stamp vellum, parchment and paper, which shall from time to time be and remain in the receipt of his Majesty's exchequer, at the end of any usual quarterly day on which the said surplus or overplus monies shall arise, after satisfying all charges and incumbrances thereupon, shall be carried to, and made part of, the fund commonly called *The sinking fund*; and shall and may be issued and applied in such manner, and to such uses and purposes, as other rates, duties, revenues and incomes, composing the said fund, are or shall be issued and applied, and for no other use, intent or purpose whatsoever.**

**Clause of loan for raising £1,420,000. at 3*l.* per cent.** IV. And it is hereby enacted by the authority aforesaid, That in case the said commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall think it adviseable to raise the said sum of one million four hundred and twenty thousand pounds, or any part thereof, by loans or exchequer bills, in manner herein after men-

mentioned; that it shall and may be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate, to advance or lend to his Majesty, at the receipt of his Majesty's exchequer, any sum or sums of money, not exceeding the said sum of one million four hundred and twenty thousand pounds, upon the credit of the said surplusses, excesses and overplus monies, or other revenues composing the sinking fund; and to have and receive for the forbearance of the money lent, interest after a rate not exceeding three pounds *per centum per annum*, so as such loans be allowed to be made by the said commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, who are hereby authorized to issue their warrants for that purpose as fast as such loans shall be wanted for the publick service; and moreover, that no money to be lent upon the security of this act, shall be rated or assessed to any tax or assessment whatever.

V. And be it further enacted, That all and every person or persons who shall lend any money upon the credit of this act as Tallies of loan  
to be struck.  
aforesaid, and pay the same into the receipt of the exchequer, shall immediately have a tally of loan struck for the same, and an order for his, her or their repayment, bearing the same date with his, her or their tally; in or upon which order shall be also contained a warrant for payment of interest for the forbearance thereof, not exceeding the said rate of three pounds *per centum per annum*, and to be paid every three months, until the repayment of the principal; and all such orders for repayment of money so to be lent, shall be registered in course, according to the dates respectively; and that all and every person and persons shall be paid in course, according as their orders shall stand registered in the said register books, so as the person or persons, The manner  
of payment.  
natives or foreigners, his, her or their executors, administrators or assigns, who shall have his, her or their order or orders first entered in the said books of register, shall be taken and accounted to be the first person or persons to be paid out of the said surplusses, excesses or other revenues, and he, she or they, who shall have his, her or their order or orders next entered, shall be taken and accounted to be the second person to be paid, and so successively and in course; and that the monies to come in of or for the said surplusses, excesses and overplus monies, or other revenues composing the sinking fund as aforesaid, shall be in the same order liable to the satisfaction of the said respective persons, and body or bodies politick or corporate, their executors, administrators, successors or assigns respectively, without any undue preference of one before another, and not otherwise; and shall not be diverted or divertible to any other use, intent no undue pre-  
ference.  
or purpose whatsoever (other than such uses and purposes as are appointed by any other act or acts of parliament in that behalf as aforesaid) and that no fee, reward or gratuity, directly or indirectly, shall be demanded or taken of any of his Majesty's subjects, for providing or making of any such books or registers No fee to be  
taken,  
or

be paid out of and the interest, premium, rate and charges incident to, or at the sinking fund, tending the same, shall be and are hereby charged and chargeable upon, and shall be repaid and borne by and out of the growing produce of the said surpluses, excesses and overplus monies, or other revenues composing the sinking fund (except such monies of the said sinking fund as are appropriated to any particular use or uses by any former or other act or acts of parliament in that behalf) and such monies of the said sinking fund shall and may be issued and applied as fast as the same can be regularly stated and ascertained, for and towards the paying off, cancelling and discharging such exchequer bills, interest, premium, rate or charges, until the whole of them shall be paid off, cancelled and discharged, or money sufficient for that purpose be kept and reserved in the exchequer, to be payable on demand to the respective proprietors thereof.

XII. And whereas the governor and company of the bank of England do consent and agree to advance and lend the sum of five hundred thousand pounds, over and above all other sum and sums of money that they have already agreed to advance on the supplies of the present year, at an interest after the rate of three pounds per centum per annum, for so much thereof as shall be by them advanced, from the time of such advancement till the same shall be discharged, the said five hundred thousand pounds and interest to be secured by exchequer bills to be made forth and issued in pursuance of this act, and to be charged upon and repaid out of such monies as at any time or times hereafter shall be or remain in the receipt of the exchequer, of the surpluses, excesses, overplus monies, and other revenues, composing the fund, commonly called The Sinking Fund, after paying or reserving sufficient to pay the sum of seven hundred and twenty thousand pounds, part of the said surpluses, excesses, overplus monies, and other revenues composing the fund commonly called The Sinking Fund, by this act directed to be issued and applied; be it enacted by the authority aforesaid, That all such exchequer bills for any sum or sums not exceeding five hundred thousand pounds as aforesaid, as shall be made forth and issued in pursuance of this act, shall respectively be made to bear or carry an interest at the rate of three pounds per centum per annum; and all such exchequer bills, together with the interest attending the same, shall be, and are hereby charged and chargeable upon, and shall be repaid by or out of such monies, as at any time or times hereafter shall be or remain in the receipt of the exchequer, of the said surpluses, excesses, overplus monies, and other revenues composing the fund, commonly called The Sinking Fund, after paying or reserving sufficient to pay the sum of seven hundred and twenty thousand pounds, part of the said surpluses, excesses, overplus monies, and other revenues composing the fund, commonly called The Sinking Fund, by this act directed to be issued and applied;

Bills to carry  
3 l. per cent.  
interest, and  
charged on  
the sinking  
fund.

and such monies of the said sinking fund shall and may be issued and applied as fast as the same can be regularly stated and ascertained, for and towards paying off, cancelling, and discharging such exchequer bills and interest, until the whole of them

hem shall be paid, cancelled, and discharged; or money sufficient be kept and reserved in the exchequer for that purpose.

XIII. Provided always, and it is hereby further enacted by Appropriation the authority aforesaid, That all the monies coming into the exchequer, either by loans or exchequer bills, upon one act of this session of parliament, intituled, *An act for granting an aid to his Majesty by a land-tax, to be raised in Great Britain for the service of the year one thousand seven hundred and fifty five; and for the relief of the inhabitants of certain places in the county of Lincoln, in respect of arrears of the land-tax*; and so much money (if any such be) of the tax thereby granted as shall arise or remain after all the loans or exchequer bills made or to be made on the same act, and all the interest, premium, rate and charges thereon, and the charges thereby allowable for raising the said land-tax shall be satisfied, or money sufficient shall be reserved in the exchequer, to satisfy and discharge the same; and also all the monies coming into the exchequer, either by loans or exchequer bills, upon one other act of this session of parliament, (intituled, *An act for continuing and granting to his Majesty certain duties upon malt, must, cider and perry, for the service of the year one thousand seven hundred and fifty five*) and so much money, if any such be, of the duties thereby granted, as shall arise or remain after all the loans or exchequer bills made or to be made on the same act, and all the interest, premium, rate and charges thereon, and the charges thereby allowable for raising the said duties shall be satisfied, or monies sufficient shall be reserved in the exchequer to satisfy and discharge the same; and the sum of three thousand three hundred forty one pounds nineteen shillings and two pence farthing remaining in the exchequer, being the ovel-<sup>and other sums remaining</sup> plus of the grants for the service of the year one thousand seven hundred and fifty four, but not applied to the service of that year; and the sum of sixteen thousand four hundred ninety four pounds, seventeen shillings and ten pence halfpenny, remaining in the receipt of the exchequer, of the surplus of the duties on coals, since the twenty fifth day of March one thousand seven hundred and nineteen; and the sum of nineteen thousand nine hundred and twenty three pounds twelve shillings and nine pence, remaining in the receipt of the exchequer, of the surplus of the duties on licences for retailing spirituous liquors; and the sum of twenty eight thousand two hundred and one pounds nineteen shillings and eight pence, remaining in the receipt of the exchequer, of the surplus of the funds for the lottery in the year of our Lord one thousand seven hundred and fourteen; and also all the monies coming into the exchequer by contributions for the lottery granted by one other act of this present session of parliament, (intituled, *An act for granting to his Majesty the sum of one million to be raised by a lottery*) and also the sum of one million four hundred and twenty thousand pounds by this act<sup>1754, and 1755.</sup> granted, shall be further appropriated, and are hereby appropriated for and towards the several uses and purposes herein after expressed, (that is to say) it is hereby enacted and declared by the

1,004,281.  
14 s. 1 d. to-  
wards naval  
services.

10,000 l. to  
Greenwich  
Hospital.

7,000 l. to-  
wards the  
navy debt.

151,566 l. 18 s.  
and 8 d. to the  
ordnance;

2,139,548 l.  
2 s. id. 2q. to  
the land  
forces;

of which  
628,315 l. 7 s.  
1 d. for  
guards, and  
garrisons,  
&c. in  
Great Britain,  
Guernsey, and  
Jersey;

2,36,420 l. 18 s.  
6 d. 2q. for the  
garrisons, &c.

the authority aforesaid, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied, any sum or sums of money, not exceeding one million four thousand two hundred eighty eight pounds fourteen shillings and one penny, for or towards the naval services herein after particularly expressed (that is to say) for or towards victuals, wages, wear and tear of the navy, and the victualling thereof, performed and to be performed; and for or towards sea services in the office of ordnance, performed and to be performed; and for or towards defraying the ordinary of his Majesty's navy, and for half-pay to sea officers; and for or towards building, rebuilding and repairs of his Majesty's ships, in the year one thousand seven hundred and fifty five.

XIV. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding ten thousand pounds, upon account, towards the support of the royal hospital at Greenwich, for the better maintenance of the seamen of the said hospital, worn out and become decrepit in the service of their country.

XV. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding seven thousand pounds, towards paying off and discharging the debt of the navy.

XVI. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding one hundred fifty one thousand five hundred sixty six pounds eighteen shillings and eight pence, for the charge of the office of ordnance for land service, for the year one thousand seven hundred and fifty five, performed and to be performed, and for defraying the extraordinary expence of the office of ordnance for the land service, not provided for by parliament.

XVII. And it is hereby also enacted, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding one million one hundred thirty nine thousand five hundred forty eight pounds one shilling and one penny halfpenny, for and towards maintaining his Majesty's land forces, and other services herein after more particularly expressed (that is to say) any sum or sums of money, not exceeding six hundred twenty eight thousand three hundred fifteen pounds seven shillings and eleven pence, for defraying the charge of eighteen thousand eight hundred and fifty seven effective men, including commission and non-commission officers, and also one thousand eight hundred and fifteen invalids, for guards, garrisons, and other his Majesty's land forces in Great Britain, Guernsey and Jersey, for the year one thousand seven hundred and fifty five; and any sum or sums of money, not exceeding two hundred thirty-six thousand four hundred twenty pounds eighteen shillings and six pence half-

halfpenny, for maintaining his Majesty's forces and garrisons in the plantations, Minorca, and Gibraltar, and for provisions for the garrisons of Nova Scotia, Newfoundland, Gibraltar and Providence, for the year one thousand seven hundred and fifty-five; and any sum or sums of money, not exceeding forty thousand three hundred and fifty pounds and fifteen shillings, for defraying the charge of two regiments of foot, to be raised for his Majesty's service in North America, for the service of the year one thousand seven hundred and fifty five, and any sum or sums for a regiment of money not exceeding seven thousand three hundred thirty-eight pounds two shillings and six pence, for defraying the charge of several officers appointed by his Majesty, to go with the forces in the expedition under the command of major general Braddock, for the year one thousand seven hundred and fifty five; and any sum or sums of money not exceeding one thousand seven hundred seventy nine pounds seven shillings and six pence, for defraying the charge of the officers appointed by his Majesty, to attend the hospital established for the service of the officers at expedition under the command of major general Braddock, for the year one thousand seven hundred and fifty five; and any sum or sums of money not exceeding fifty-nine thousand seven hundred ninety one pounds twelve shillings and one penny, upon account, for out-pensioners of Chelsea hospital, for the year one thousand seven hundred and fifty five; and any sum or sums of money not exceeding forty seven thousand pounds, upon account of half-pay, for the reduced officers of his Majesty's land forces and marines, for the year one thousand seven hundred and fifty five; subject to such rules to be observed in the application of the said halfpay, as are hereafter prescribed concerning the same; and any sum or sums of money not exceeding three thousand seven hundred thirty five pounds nine shillings and seven pence, for defraying the charge for allowances to the several officers and private gentlemen of the two troops of horse guards, and regiment of horse reduced, and to the superannuated gentlemen of the four troops of horse guards, for the year one thousand seven hundred and fifty five; and any sum or sums of money not exceeding two thousand five hundred and sixty-two pounds, for paying of pensions to the widows of such reduced officers of his Majesty's land forces and marines as died upon the establishment of half-pay in Great Britain, and who were married to them before the twenty fifth day of December one thousand seven hundred and sixteen, for the year one thousand seven hundred and fifty five; which said sum of two thousand five hundred and sixty two pounds, shall be issued to such person or persons as his Majesty shall, by warrant or warrants under his royal sign manual, direct and appoint to receive the same, to be by him or them paid over to such widows of half-pay officers, or their assignees, according to such establishments, lists, or other directions, and with and subject to such conditions, qualifications, and other allowances for the same, as his Majesty, by such and the like warrant or warrants, shall be graciously

60,254l. 8s.  
for services in-  
curred in  
1754.

20,000l. to  
the Elector of  
Bavaria.

32,000l. to  
the King of  
Poland.

1,000,000l.  
for augment-  
ing the forces  
by sea and  
land.

49,418l. 7s.  
8l. towards  
the settling  
Nova Scotia.

2,957l. 10s. for  
defraying the  
civil establish-  
ment of  
Georgia.

10,000l. for  
the British  
forts, &c. on  
the coast of  
Africa.

6,000l. to-  
wards build-  
ing a fort at  
Annamaboe.

6,000l. to-  
wards making  
a road from  
Carlisle to  
Newcastle.

3,000l. to  
Thomas Ste-  
phens, for dis-  
covering the  
method of  
making pot-  
ash.

These aids to  
be applied to  
no other uses.

ciously pleased to direct and appoint; and any sum or sums of money not exceeding sixty thousand two hundred fifty four pounds and eight shillings, for defraying the extraordinary expences of his Majesty's land forces, and other services, incurred in the year one thousand seven hundred and fifty four, and not provided for by parliament; and any sum or sums of money not exceeding twenty thousand pounds, to enable his Majesty to make good his engagements with the elector of *Bavaria*, pursuant to treaty; and any sum or sums of money not exceeding thirty two thousand pounds, to enable his Majesty to make good his engagements with the King of *Poland*, Elector of *Saxony*, pursuant to the treaty.

XVIII. And it is hereby also enacted, That out of all or any of the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding one million, upon account, towards enabling his Majesty to augment his forces by sea and land, and to take such measures for the security of his dominions, as may be necessary in the present conjuncture.

XIX. And it is hereby also enacted, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding forty thousand four hundred eighteen pounds seven shillings and eight pence, upon account, for supporting and maintaining the settlement of his Majesty's colony of *Nova Scotia* for the year one thousand seven hundred and fifty five; and any sum or sums of money not exceeding two thousand nine hundred fifty seven pounds and ten shillings, upon account, for defraying the charges of the civil establishment of his Majesty's colony of *Georgia*, and other incidental expences attending the same, from the twenty fourth day of *June* one thousand seven hundred and fifty four, to the twenty fourth day of *June* one thousand seven hundred and fifty five; and any sum or sums of money, not exceeding ten thousand pounds, to be employed in maintaining, and supporting the British forts and settlements upon the coast of *Africa*; and any sum or sums of money not exceeding six thousand pounds, towards the expences incurred in building a fort at *Annamaboe*; and any sum or sums of money, not exceeding six thousand pounds, towards laying out, making and keeping in repair a road proper for the passage of troops and carriages from the city of *Carlisle* to the town of *Newcastle* upon *Tyne*; and any sum or sums of money not exceeding three thousand pounds, to be paid to *Thomas Stephens*, as a reward for discovering his method of making pot ash, and introducing that manufacture into the British plantations in *America*.

XX. And it is hereby further enacted by the authority aforesaid, That the said aids and supplies provided as aforesaid, shall not be issued or applied to any use, intent or purpose whatsoever, other than the uses and purposes before-mentioned; or for the several deficiencies or other payments directed to be satisfied thereout by any act or acts, or any particular clause or clauses for

for that purpose contained in any other act or acts of this preſent ſeſſion of parliament.

**XXI.** And as to the ſaid ſum of forty seven thouſand pounds Rules to be by this act appropriated on account of half pay as aforefaid, it is hereby enacted and declared by the authority aforefaid, That the rules herein after prescribed shall be duly obſerved in the application of the half-pay.

obſerved in  
the applicati-  
on of the half-  
pay.

that is to ſay, That no perſon ſhall have or receive any part of the fame, who was a minor, and under the age of fifteen years, at the time when the regiment, troop or company, in which he ſerved, was reduced; that no perſon ſhall have or receive any part of the fame, except ſuch perſons who did actual ſervice in ſome regiment, troop or company; that no perſon having any other place or employment of profit, civil or military, under his Maſteſty, ſhall have or receive any part of the ſaid half-pay; that no chaplain of any garrison or regiment, who has any eccleſiaſtical benefice in Great Britain or Ireland, ſhall have or receive any part of the ſaid half pay; that no perſon ſhall have or receive any part of the fame, who has reſigned his commission, and has had no commission ſince; that no part of the fame ſhall be allowed to any perſon by virtue of any warrant or appointment, except to ſuch perſons who would have been otherwife intituled to the fame as reduced officers; and that no part of the fame ſhall be allowed to any of the officers of the five regiments of dragoons, and eight regiments of foot, lately diſbanded in Ireland, except to ſuch as were lately taken off the eſtablishment of half-pay in Great Britain.

**XXII.** And whereaſ by an act of parliament made and paſſed in the twenty seventh year of his Maſteſty's reign (intituled, An act for granting to his Maſteſty a certain ſum of money therein mentioned out of the ſinking fund; and applying certain surplus monies remaining in the exchequer for the ſervice of the year one thouſand ſeven hundred and fifty four; and for the further diſpoſition of the ſinking fund, by paying thereout the remainder of the ſum advanced on the credit of the duty on sweets, and the interſt thereof; and for carrying the ſaid duty to the ſaid fund; and for the further appropriating the ſupplies granted in this ſeſſion of parliament; the ſeveral ſupplies which had been granted to his Maſteſty, as is therein mentioned, were appropriated to the ſeveral uſes and purpoſes therein expreſſed; amonſt which any ſum or ſums of money, not exceeding fifty-five thouſand pounds, was appropriated to be paid to the reduced officers of his Maſteſty's land forces and marines, ſubjeſt nevertheless to ſuch rules to be obſerved in the application of the ſaid half-pay, as in and by the aforefaid act were preſcribed in that behalf: now it is hereby provided, enacted, and declared, by the authority aforefaid, That ſo much of the ſaid ſum of fifty five thouſand pounds as is or ſhall be more than ſufficient to ſatisfy the ſaid reduced officers, according to the rules preſcribed by the ſaid act to be obſerved in the application thereof, or any part of ſuch overplus, ſhall and may be diſpoſed of to ſuch officers who are maimed or lost their limbs in the late wars, or ſuch others as by reaſon of their long ſervice or otherwiſe, his Maſteſty

Application of  
the ſurplus of  
55,000 ap-  
propriated in  
1754, to the  
payment of  
reduced offi-  
cers.

Anno vicesimo octavo GEORGII II<sup>e</sup> c. 23. [1755.]

jesty shall judge to be proper objects of charity, or to the wi-  
dows or children of such officers according to such warrant or  
warrants under his Majesty's royal sign manual, & shall be sign-  
ed in that behalf; any thing in this act, or the said former act,  
to the contrary notwithstanding.

### C A P. XXIII.

*An act to enable the churchwardens, overseers, and inhabi-  
tants of the parish of Saint Saviour, in the borough of  
Southwark, in the county of Surry, to hold a market  
within the said parish, not interfering with the high street  
in the said borough.*

WHEREAS a market hath for a long tract of time been held  
in the parish of Saint Saviour in the town and borough of  
Southwark in the county of Surry, by virtue of a royal charter  
granted to the mayor, commonalty, and citizens of London, by King  
Edward the sixth, and continued and made perpetual by an act of  
parliament, intituled, An act for erecting a judicature to deter-  
mine differences touching houses burnt and demolished by the  
late dreadful fire in Southwark: and whereas by the humble petition  
of the mayor, aldermen, and commons of the city of London, in com-  
mon council assembled, it hath been represented, That the said market  
now held in the common street, which is a great thoroughfare for all  
carriages and cattle, continually passing to and from the counties of  
Kent, Surry, and Sussex, is become a nuisance by means of the great  
number of carts, stalls and stands, placed and set up in and about the  
same, and therefore praying for leave to give up the said market, and  
the profits arising thereby, for the convenience and accommodation of the  
publick: and whereas by an act made and passed in this present session  
of parliament, in consequence of such petition, intituled, An act to  
prevent the holding of any market for the future in the high  
street of the borough of Southwark in the county of Surry; it is  
enacted, That from and after the twenty fifth day of March in the  
year of our Lord one thousand seven hundred and fifty six, no market  
whatsoever shall be kept or held in the said high street of the borough  
of Southwark in the county of Surry: and whereas it is necessary for  
the benefit and accommodation of the inhabitants of the said borough of  
Southwark, and the neighbouring towns and villages, that a market  
should be still continued as near as conveniently may be to the place  
where it is now held, and the churchwardens, overseers of the poor,  
and inhabitants of the parish of Saint Saviour, within the said bor-  
ough, are desirous to erect, hold and maintain such market, and have  
found out a convenient place for that purpose, near the present market,  
within the said parish of Saint Saviour, to wit, a piece of ground  
in which is contained a spot called The Triangle, abutting on a place  
called the Turnstile, on the backside of Three Crown Court east-  
ward, on Fowle Lane, and buildings in Rochester Yard and Dirty  
Lane northward, and towards Deadman's Place westward: but  
whereas such new market cannot be erected, held and maintained, nor  
many

many difficulties be removed which may arise in the purchase of the ground, houses and other buildings, that shall be found necessary to be made use of for that purpose, by reason of legal disabilities, which the owners or occupiers thereof may be under to dispose of the same; all which cannot be done and effectually carried into execution, otherwise than by the aid and authority of parliament; may it therefore please your Majesty, at the prayer of the churchwardens, overseers of the poor, and inhabitants of the said parish of Saint Saviour in the borough of Southwark, that it may be enacted, &c.

Commissioners appointed to set out the scite of the market: purchase thereof to be afterwards made by the parish. Right of holding the market and tolls, &c. vested in the churchwardens and inhabitants. No provisions, &c. to be sold without licence, within 1000 yards of the bounds of the market. Hay and straw excepted. Penalty 5l. Justices may mitigate penalties. Persons aggrieved may appeal to the quarter-sessions, &c. Proceedings not removable by *Certiorari*. Persons interested in lands, &c. set out for the scite of the market, empowered to sell the same. Persons disabled, or refusing to treat, notice to be given them that the value will be settled by a jury. Jury to assess the recompence on oath. Verdict to be recorded, &c. Upon payment of the purchase-money, conveyance to be executed. Where the title can't be made good, &c. Purchase money to be paid into the bank, and receipt to be given for the same; and to be entered on record. Lands afterwards to vest in parishioners. Purchase money subject to the uses the lands were limited to. After payment, lands may be converted into a market. 6,000l. may be raised for making necessary purchases, and building the market; or the ground may be let out on building leases. Money borrowed may be raised by annuities, not exceeding 8l. per cent. Annuities not to exceed 480l. per annum, to be paid quarterly. Names of annuitants, and sums paid, to be entered in books. Annuities to be for lives of the persons nominated by contributors, and to be tax free. Receipts to be given to contributors, and order for payment of annuities. Annuities may be assigned. Annuities payable out of the rents, &c. of the market. Deficiencies to be made good by a rate. Payment of such rates gives no settlement. Market, &c. vested in churchwardens and parish in trust for the uses herein declared. Publick act.

#### C A P. XXIV.

*An act to indemnify persons who have omitted to qualify themselves for offices and promotions within the time limited by law; and for allowing further time for that purpose.*

W H E R E A S divers persons who on account of their offices, places, employments or professions, or any other cause or occasion, ought to have taken and subscribed the oaths or the assurance respectively appointed to be by such persons, in and by an act made in the first year of the reign of his late majesty King George, of glorious memory (intituled, An act for the further security of his Majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being protestants; and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors) or to have qualified themselves according to an act made in the thirteenth year of the reign of King Charles the Second (intituled, An act for the well governing and regulating corporations) or to have qualified themselves according to another act made

*¶ 5 Car. 2. c. 2. made in the twenty fifth year of the reign of King Charles the Second (intituled, An act for the preventing dangers which may happen from popish recusants) by receiving the sacrament of the Lord's supper, according to the usage of the church of England, and making and subscribing the declaration against transubstantiation therein mentioned, have through ignorance of the law, absents, or some unavoidable accident, omitted to take and subscribe the said oaths and assurance, or otherwise to qualify themselves as aforesaid, within such time, and in such manner, as in and by the said acts respectively, or by an other act of parliament in that behalf made and provided, is required, whereby they may be in danger of incurring divers penalties and disabilities; for quieting the minds of his Majesty's subjects, and for preventing any inconveniences that might otherwise happen by means of such omissions; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That*

*Further time allowed to persons who have omitted to qualify themselves.* all and every person and persons, who shall on or before the twenty eighth day of November one thousand seven hundred and fifty five, take and subscribe the said oaths and assurance respectively, in such cases wherein by law the said oaths or assurance ought to have been taken or subscribed, in such manner and form, and such place and places, as are appointed in and by the said act made in the first year of the reign of his said late majesty King George, or by any other act or acts of parliament in that behalf made and provided, and also to receive the sacrament of the Lord's supper according to the usage of the church of England, and to make and subscribe the said declaration against transubstantiation, in such cases wherein the said sacrament ought to have been received, and the said declaration ought to have been made and subscribed, shall be and are hereby indemnified, freed and discharged from and against all penalties, forfeitures, incapacities and disabilities incurred or to be incurred for or by reason of any former neglect or omission of taking or subscribing the said oaths or assurance, or receiving the sacrament, or making or subscribing the said declaration respectively, according to the above mentioned acts, or any of them, or any other act or acts concerning persons in offices or places of trust; and is and are, and shall be, fully and actually recapacitated and restored to the same state and condition as such person or persons were before such neglect or omission, and shall be deemed and adjudged to have duly qualified him, her or themselves, according to the above mentioned acts, and every of them; and that all acts done or to be done by any such person or persons, or by authority derived from him or them, are and shall be of the same force and validity as the same, or any of them would have been, if such person or persons had taken the said oaths or assurance, and received the sacrament of the Lord's Supper, and made and subscribed the said declaration respectively, according to the direction of the said acts, and every of them; and that such person or persons qualifying themselves

*Persons qualifying within the time prescribed, indemnified, &c.*

in

in manner and within the time appointed by this act, shall be to all intents and purposes as effectual as if such person or persons had respectively taken the said oaths and assurance, and received the sacrament, and made and subscribed the said declaration, within the time and in the manner appointed by the several acts before mentioned.

II. Provided always, That this act, or any thing herein contained, shall not extend, or be construed to extend, to restore restored to offices already avoided or filled up.

None to be avoided or filled up.

or intitle any person or persons to any office or employment, benefice, matter or thing whatsoever, already actually avoided by judgment of any of his Majesty's courts of record, or already filled up or enjoyed by any other person; but such office, employment, benefice, matter or thing so voided, or filled up and enjoyed, shall be and remain in and to the person or persons who is or are now intitled to the same, as if this act had never been made.

### C A P. XXV.

*An act for continuing an act, intituled, An act for encouraging the making of Indico in the British plantations in America.*

W H E R E A S the law for encouraging the making of Indico in the British plantations in America, is found to be very useful and beneficial to the publick, and is so near expiring, that it is fit it should be continued; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act made in the twenty first year of the reign of his present Majesty, intituled, *An act for encouraging the making of Indico in the British plantations in America*, which was to continue in force for seven years from the twenty fifth day of March one thousand seven hundred and forty nine, and from thence to the end of the then next session of parliament, shall be, and the same is hereby further continued from the twenty fifth day of March one thousand seven hundred and fifty six, until the twenty fifth day of March one thousand seven hundred and sixty three; and from thence to the end of the then next session of parliament.

### C A P. XXVI.

*An act for repairing and widening the road from the high bridge in the town of Ramsey, in the county of Huntingdon, through King's Ripton, to the west end of Saint Peter's Lane in the parish of Saint John, within the borough of Huntingdon.*

### C A P. XXVII.

*An act for explaining, amending, and making more effectual, several acts of parliament relating to the maintenance and emploment of the poor of the town of Kingston upon Hull, and for better paving, preserving, and cleansing the streets, squares, lanes and alleys, in the said town, and preventing obstructions therein; and for preserving the lamps, which shall be set up to enlighten the streets of the said town, and securing the property of such lamps to the owners.*

## C A P. XXVII.

An act for repairing and widening the road from Sutton in the county of Surry, through the borough of Reigate, by Midlow Mill, to Povey Crois, and from Sutton aforesaid through Chean, and over Howell Hill to Ewell; and also the road from Tadworth by the Wind Mill, to the bottom of Pebble Hill in the said county.

## C A P. XIX.

An act for continuing and rendering more effectual an act passed in the ninth year of the reign of his present Majesty, intituled, *An act for continuing the duty of two pennies Scots, or one sixth of a penny Sterling, on every pint of ale and beer, that shall be vended or sold within the city of Glasgow, and for extending the same over the villages of Gorbels and Port Glasgow, and privileges thereof, for the benefit of the said city and villages.*

## C A P. XXX.

An act to continue and render more effectual two acts of parliament passed in the sixth and twelfth years of the reign of his late majesty King George, for repairing the roads from Stevenage in the county of Hertford, to Bigleswade in the county of Bedford; and for repairing the roads from the north end of the said roads to the toll-gate at the north end of the said town of Bigleswade.

## C A P. XXXI.

An act for repairing and widening the several roads therein mentioned, leading to, through and from, the town of Monmouth.

## C A P. XXXII.

An act for establishing, maintaining and well governing, a nightly watch within the city of Bristol.

## C A P. XXXIII.

An act for repairing the road from the north end of Brown's Lane in Great Stoughton in the county of Huntingdon, through Kimbolton and Higham Ferrers, to the way post near Wellingborough bridge in the county of Northampton, and from the pound in Kimbolton to the way post in Great Catworth Field, near Brington Bridge, in the said county of Huntingdon.

## C A P. XXXIV.

An act for erecting and building a new chapel in the town of Wolverhampton in the county of Stafford.

## C A P. XXXV.

An act for repairing the road from a certain place in Bury in the county of Huntingdon, through Warboys, Old Hurst, Saint Ives, Hilton, Eltisley, Wareley, Gamlingay and Potton, to a houle called the Spread Eagle in Stratton, within the several counties of Huntingdon, Cambridge and Bedford.

## C A P. XXXVI.

An act to continue and render more effectual several acts for repairing the road from Stump Cross to Newmarket Heath, and the town of Cambridge; for repairing the road from Foulmire to Cambridge; and for repairing other ruinous parts of the highways adjacent to the road from Foulmire to Cambridge.

## C A P. XXXVII.

An act for the better enlightening and cleansing the open places, squares, streets, lanes, alleys, passages and courts, within the parish of Saint Bartholomew the Great, London; and regulating the nightly watch and beadle within the said parish.

C A P.

## C A P. XXXVIII.

An act for the better relief and employment of the poor of the borough of Dunheved otherwise Launceston, and parish of Saint Mary Magdalene in the county of Cornwall.

## C A P. XXXIX.

An act for enlarging the term and powers granted by an act of the twenty fourth year of his present Majesty's reign, intituled, *An act for repairing the high roads in the county of Edinburgh, to and from the city of Edinburgh, and from Crammond Bridge to the town of Queen's Ferry in the county of Linlithgow; and for making the said act more effectual.*

## C A P. XL.

An act for repairing and widening the road from the town of Market Harborough in the county of Leicester, through the town of Lutterworth in the said county, to the city of Coventry.

## C A P. XLI.

An act for enlightening the streets and lanes, and regulating the pavements, in the town of Leeds in the county of York.

## C A P. XLII.

An act for enlarging the term and powers granted by an act passed in the ninth year of the reign of his present Majesty, for repairing the roads leading from Henley Bridge, in the county of Oxford, to Dorchester Bridge, and from thence to Culham Bridge, and to a place called Mile stone, in the road leading to Magdalen Bridge in the said county, and for widening the said roads; and also for repairing and widening the roads leading from the end of Culham Bridge next to Culham, in the county of Oxford, to the end of Burford Bridge next to Abingdon in the county of Berks, and from the Mayor's Stone at the end of the Boar Street in the town of Abingdon aforesaid, to Shippone in the said county of Berks, and from thence to the west end of the town of Fyfield in the same county.

## C A P. XLIII.

An act for establishing and maintaining a ferry across the river Thames, between the hamlet of Ratcliff in the county of Middlesex, and the parish of Rotherhithe in the county of Surry.

## C A P. XLIV..

An act for repairing and widening the road from Basingstoke through Wootton, Overton, Whitchurch, Hursborn Pryors, Andover, and Middle Wallop, in the county of Southampton, to a place called Lubcomb Corner in the parish of Winterflow in the county of Wilts.

## C A P. XLV.

An act for widening and repairing the road leading from Horsham in the county of Sussex through Capell, Dorking, Mickleham, and Leatherhead, to the watch-house in Ebbisham in the county of Surry; and from Capell to Stone Street in the parish of Ockley in the said county of Surry.

## C A P. XLVI.

An act for repairing and widening the roads leading from the Cross of Hand near Finford Bridge in the county of Warwick, through the town of Southam in the same county, to the borough of Banbury in the county of Oxford, and from the Guide Post in the village of Adderbury in the same county, through Kidlington, to the Mile way leading towards the city of Oxford; and also the road leading from a place called the Two Mile Tree near the city of Oxford, over Gost. rd, other-

Anno viceſimo octavo GEORGII II. c 47.—56. [1755.]  
otherwise Goffard Bridge, to a certain gate entering upon Weston on  
the Green in the ſaid county.

#### C A P. XLVII.

An act for repairing and widening the road from The Hand and Post at the top of Burford Lane in the county of Glouceſter, to Stow on the Wold, and from thence to Halford Bridge in the county of Warwick; and also the road from The Cross Hands on Salford Hill, to The Hand and Post in the parish of Dowdeswell in the county of Glouceſter.

#### C A P. XLVIII.

An act for repairing and widening the roads therein mentioned, lying within the borough of Droitwich in the county of Worcester, or leading from the ſaid borough, to the ſeveral places therein mentioned, in the ſaid county.

#### C A P. XLIX.

An act for repairing and widening the road from Chudleigh Bridge in the parish of Hennock, in the county of Devon, through the town and borough of Athburton, to Brent Bridge in the parish of South Brent, in the ſaid county.

#### C A P. L.

An act for amending and widening the roads from the west end of Toller Lane near Bradford, through Haworth, in the county of York, to a place called Blue Bell near Colne, in the county of Lancaster, and from a place called the Two Laws to Keighley, in the ſaid county of York.

#### C A P. LI.

An act for repairing and widening the road from Thirsk, over Skipton Bridge, through Baldersby, to Baldersby Gate, adjoining to Hutton Moor, in the way to Ripon, and through Ainderby Quarinhaw, and Nosterfield, by Well-flashes Gate, to Malham in the county of York; and likewife for removing the toll-houſe and turnpike gates at Busby Stob in the ſaid county, to ſome other convenient place in the road leading from Borough Bridge to the city of Durham.

#### C A P. LII.

An act for amending, altering, continuing, and making more effectual, two acts of parliament made in the second and seventeenth years of his preſent Maſtys' reign, for repairing the roads, from Coleſhill in the county of Warwick, through the town of Litchfield, to Stone in the county of Stafford, and from thence to the city of Chester, and ſeveral other roads in the ſaid acts mentioned; and for enlarging the term and powers in the ſaid several acts.

#### C A P. LIII.

An act for repairing and widening the road from Rochdale to Burley in the county of Lancaster.

#### C A P. LIV.

An act to enable the reverend William Markham doctor of laws, and Thomas Salter esquire, to build houſes, and open a square in and upon a certain piece of ground called Dean's Yerd, Weitminiter, and ſeveral pieces of ground contiguous thereto.

#### C A P. LV.

An act for building a bridge over the water or haven between the town of Sandwich, and the opposite ſhore, in the county of Kent.

#### C A P. LVI.

An act to enable the paroſhioners of the paroſh of the Holy Trinity in Gulde-

1756.] Anno vice<sup>mo</sup> nono GEORGII II. C. I.

517

Guldeford in the county of Surry, to sell divers houses, lands, rents and annuities in the said parish, and in Stoke next Guldeford aforesaid; and to apply the money arising by sale thereof towards rebuilding their parish church, and for other purposes therein mentioned.

#### C A P. LVII.

An act for amending, widening, and keeping in repair the roads from Epsom, through Ewell to Tooting, and from Ewell to Kingston upon Thames and Thames Ditton in the county of Surry.

#### C A P. LVIII.

An act for repairing and widening the roads from the town of Manchester, by a place called the White Smithy in the township of Crumpsall, to the town of Rochdale, and from the said place called the White Smithy, by a place called Besses of the Barn, to the town of Bury, and from the said place called Besses of the Barn to Radcliffe Bridge in the county palatine of Lancaster.

#### C A P. LIX.

An act for repairing, widening and amending the road from Cocking End near Addingham in the west riding of the county of York, through Kildwick, to Black Lane End in the county palatine of Lancaster.

#### C A P. LX.

An act for repairing and widening the roads from the town of Leeds in the west riding of the county of York, through Otley, Skipton, Colne, Burnley and Blackburn, to Burscough Bridge in Walton in the county of Lancaster, and from Skipton, through Gisburn and Clitheroe, to Preston in the said county of Lancaster.

---

*Anno Regni GEORGII II. Regis Magnæ  
Britannicæ, Franciæ, & Hibernicæ, vice-  
fimo nono.*

*A*t the parliament begun and holden at Westminster, the thirty first day of May, Anno Dom. one thousand seven hundred and fifty four, in the twenty seventh year of the reign of our sovereign lord George the Second, by the grace of God, of Great Britain, France, and Ireland, King, defender of the faith, &c. And from thence continued by several prorogations to the thirteenth day of November one thousand seven hundred and fifty five, being the third session of this present parliament.

#### C A P. I.

An act for continuing and granting to his Majesty certain duties upon malt, malm, cyder, and perry, for the service of the year one thousand seven hundred and fifty six. EXP.

C A P.

## C A P. II.

An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and fifty six; and for the relief of the inhabitants of the city and county of the city of Lincoln, in respect of arrears of the land tax. E X P.  
*At 4 s. in the pound.*

## C A P. III.

An act for punishing mutiny and desertion; and for the better payment of the army and their quarters. E X P.

## C A P. IV.

*An act for the speedy and effectual recruiting of his Majesty's land forces and marines.*

WHEREAS for recruiting his Majesty's land forces and marines it is necessary that a new supply of men be forthwith raised within the kingdom of Great Britain, by common consent and grant in parliament; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That within and throughout the several and respective counties, shires, stewartries, ridings, cities, boroughs, cinque ports, parishes, towns and places of Great Britain, a speedy and effectual levy of able bodied men to serve his Majesty as soldiers shall be forthwith had, made, practised and put in execution, according to the rules and directions of this present act.

A levy of able men to be made.

Justices, commissioners of the land tax, and magistrates of burghs, to put this act in execution.

II. And it is hereby further enacted, That the justices of the peace of every county, shire, stewartry, riding, liberty or place within Great Britain, and all and every the persons who were named, or otherwise appointed to be commissioners for putting in execution an act of parliament made and passed at Westminster in the twenty eighth year of the reign of his present Majesty, intituled, *An act for granting an aid to his Majesty by a land tax to be raised in Great Britain, for the service of the year one thousand seven hundred and fifty five; and for the relief of the inhabitants of the county of Lincoln, in respect of arrears of the land tax, or any subsequent act or acts of parliament for that purpose,* within the several and respective counties, shires, stewartries, ridings, cities, boroughs, cinque ports, towns and places therein particularly expressed, who are still living, and have duly qualified themselves according to the said acts, or shall duly qualify themselves according to this present act in that behalf, shall be commissioners for putting in execution this present act, and the powers therein contained, within and for the same counties, shires, stewartries, ridings, cities, boroughs, cinque ports, towns and places of Great Britain for which they were so named or appointed respectively; and that all and every the other persons, who are named or otherwise appointed to be commissioners for putting in execution an act passed in the present session of parliament, intituled, *An act for granting an aid to his Majesty by a land tax to be*

be raised in Great Britain for the service of the year one thousand seven hundred and fifty six, and for the relief of the inhabitants of the city and county of the city of Lincoln, in respect of arrears of the land tax, within or for the said counties, shires, stewartries, ridings, cities, boroughs, cinque ports, towns and places, or any of them respectively, or such of the persons last mentioned, as shall also duly qualify themselves according to this act in that behalf, shall also be commissioners for putting in execution this present act, and the powers therein contained, within and for the same respective counties, shires, stewartries, ridings, cities, boroughs, cinque ports, towns and places of Great Britain for which they are so named or appointed respectively; and that all and every the justices of the peace and magistrates of corporations and burghs in any part of Great Britain, who are or shall be in any of his Majesty's commissions of the peace, or in the magistracy of such corporation or burgh, at any time during the execution of this act, who shall duly qualify themselves according to this present act in that behalf (although not specially named or appointed commissioners by the said act) shall be likewise commissioners for putting in execution this present act, and all the powers therein contained, within the limits of their commissions and jurisdictions respectively; all which commissioners by this act intrusted with the execution of the same, are hereby strictly enjoined and required to use their utmost care and diligence that his Majesty's service, in making such levies as aforesaid, be not disappointed or neglected.

III. And be it further enacted by the authority aforesaid, That the high sheriff of every county, or his deputy, immediately upon receiving notice for that purpose from the secretary at war, shall send precepts to their respective bailiffs, or others who are usually employed to summon juries, directing them to summon the several justices of the peace and commissioners of the land tax within their respective divisions, to attend at the usual place of meeting in every division upon a certain day in the said precepts named, within the time limited by the secretary at war (notice of which day shall be sent to the war office upon the issuing of the precepts by the sheriff) to qualify themselves for the execution of this act; and the said commissioners shall then and there appoint the several times and places for the succeeding meetings in each of their respective sub-divisions during the continuance of this act; and the said justices of the peace and commissioners of the land tax shall at such meeting issue precepts to their precepts to the high constables, headboroughs or other proper officers for the respective hundreds, lathes, rapes, wapentakes or other sub-divisions within the said counties, shires,

High sheriffs, &c. upon notice from the secretary at war, to issue precepts for summoning the commissioners to meet.

Notice of the day of meeting to be sent to the war office. Commissioners to issue precepts to the high constables, &c. for the execution of this act; and the said justices of the peace and commissioners of the land tax shall at such meeting issue precepts to their precepts to the high constables, headboroughs or other proper officers for the respective hundreds, lathes, rapes, wapentakes or other sub-divisions within the said counties, shires, stewartries, ridings or divisions as aforesaid; which precept shall contain an account of the times and places appointed for the succeeding meetings, and shall be returnable on a day therein to be named within twenty days, and not less than fourteen days, from the time of issuing thereof; and such high constables, headboroughs or other proper officers are hereby required forth-

and give notice to such military officers as shall attend.

Sheriffs to be allowed the expences.

Times, &c. of meeting for London and Westminster to be settled at the quarter-sessions, &c,

Notice to be given to the admiralty and secretary at war.

Three commissioners im- powered to levy such men as are herein described;

and to call in the assistance of parish and town officers,

and meet in their sub-divisions, and if- sue general search war- rants, &c. for persons with- in the descrip- tion.

forthwith to signify the times and places appointed for such meetings to the several commissioners residing within their respective districts; and the said commissioners assembled at such first meeting to qualify themselves as aforesaid, shall also give notice of the time and place of all and every succeeding meeting to be appointed as aforesaid, to such military officer or officers as shall be directed to attend this service, who shall demand the same.

IV. Provided always, and it is hereby enacted, That all reasonable charges or expences incurred by any sheriff or deputy sheriff in the execution of this act, shall be allowed in the accounts of such sheriff at the receipt of his Majesty's exchequer.

V. And be it further enacted by the authority aforesaid, That the justices of the peace for the cities of *London* and *Westminster*, in their quarter sessions, together with such commissioners for the said cities as may be present at the said quarter-sessions shall and may set down and appoint the several times and places of meeting of the said commissioners within the said cities respectively, provided there be not more than three meetings appointed on one day within each of the said cities, nor more than two days in one week; of which meetings the respective clerks of the peace for the said city shall give timely notice to the admiralty and office of his Majesty's secretary at war, in order that the said commissioners may be attended by proper officers for receiving such impressed men as aforesaid.

VI. And it is hereby further enacted by the authority aforesaid, That the said commissioners, or any three or more of them, in their respective places or stations, shall be and are hereby authorized and impowered to raise and levy, and to cause to be raised and levied, at any time or times during the continuance of this act, within their several limits and jurisdictions, such able-bodied men as do not follow or exercise any lawful calling or employment, or have not some other lawful and sufficient support and maintenance, to serve his Majesty as soldiers; and to require and command all and every the high constables, churchwardens, overseers of the poor, petty constables, headboroughs and tithingmen, and other parish and town officers, or any of them within their respective limits and jurisdictions, to be aiding and assisting to them the said commissioners, or any three or more of them, in the performance of this his Majesty's service; and for that purpose the said commissioners, or any three of them, are to meet in their respective subdivisions according to the appointment of the justices and commissioners as aforesaid, and to issue out their warrants under their hands and seals, thereby requiring and commanding such churchwardens, overseers of the poor, petty constables, headboroughs, tithingmen or other parish or town officers, or else requiring and commanding the said high constables, to issue their precepts to such churchwardens, overseers, petty constables, headboroughs, tithingmen and other parish and town-officers as aforesaid, every or any of them, to make or cause to be made a general search within their respective parishes, townships,

ships, constablewicks or other places, for all such persons as they can find, who are or shall appear to them to be within the description of this act, and to bring all such persons before the commissioners, who have power to execute this act, in and for such county, shire, stewartry, riding or division, at such time and place as shall have been appointed by the justices and commissioners as aforesaid for the second meeting of the said commissioners in their respective sub-divisions, which time and place shall be prefixed in the said warrants and precepts respectively; and afterwards the said commissioners within their respective limits and divisions shall meet at such convenient time or times as they shall think fit, in order to issue their like warrants or precepts for making general searches for persons within the said description, and for bringing them before the commissioners at any future times and places appointed by the justices and commissioners as aforesaid, during the continuance of this act.

VII. Provided always, That in case the second meeting appointed to be held in any subdivision, shall be at so great a distance of time as may render it inconvenient to issue warrants for too distant, bringing persons before such commissioners at the second meeting, then the commissioners of such sub-division respectively may adjourn themselves to some convenient day, previous to a such second meeting, in order to issue their warrants as aforesaid. If the second meeting be in their subdivisions may adjourn to a previous day.

VIII. Provided always, and it is hereby enacted, That it shall and may be lawful to and for the churchwardens, overseers of the poor, constables, headboroughs, tithingmen and other officers of any parish or township, or any of them, at any time after the said second meeting of the said commissioners, without tarrying for any such warrant or precept as aforesaid, to search for, apprehend and secure all or any such persons as within the description of this act, and to convey them before the commissioners at their next meeting for listing of soldiers, to be examined, and (if judged within the description of this act) to be listed, and delivered into his Majesty's service, according to the true intent and meaning hereof.

IX. And be it further enacted by the authority aforesaid, Commissioners for executing this act, who shall attend this service at the place or places for listing soldiers aforesaid, shall strictly examine the persons who shall be brought before them by the said churchwardens, overseers, constables, headboroughs, tithingmen or other parish or town officers as aforesaid; and in case the said commissioners, or the major part of whom then present, upon examination of the persons so brought before them, shall find that such persons shall come within the descriptions herein mentioned, and the said commissioners, and the officer or officers who shall be appointed to receive the impressed men, shall judge them to be such as are hereby intended to be entertained as soldier, in his Majesty's service; then and in such case the said commissioners shall cause

383  
to deliver them over to the military officers ;

officers to give receipts ;

and to pay the parish officers 20s. for every man ; and to the churchwardens, not exceeding 40s. nor less than 5s. if such man have a wife and family ;

as shall be settled by the commissioners ;

and 6d. per diem to the parish officers, &c. for the time they shall have kept him.

Disputes to be settled by the commissioners.

Able-bodied men only to be invited,

and none under 17, nor above 45 years of age, nor papists, nor who are under 5 feet 4 inches,

All inhabitants required to be assisting.

such persons to be delivered over by the said churchwardens, overseers, constables, headboroughs, tithingmen or other parish or town officers, to such officers or persons as shall be appointed to receive such recruits as aforesaid, such officers or persons giving a receipt under their hands, acknowledging what men are so delivered to him or them : which receipt they are hereby required to give.

X. And be it further enacted, That the respective officers who shall receive such new raised men, shall pay to the officers of the parish or town so employed in the raising such men, for their pains and services therein, twenty shillings of lawful money of Great Britain for every man so raised ; and shall also pay for every such new raised man, who shall have a wife or family, any sum not exceeding forty shillings, nor less than five shillings of lawful money of Great Britain, into the hands of the churchwardens or overseers of the poor of such parish or township in which such new raised man shall have gained a settlement, and whose wife or family may become chargeable to such parish or township respectively ; which sum shall be settled by the commissioners present at the meeting when such person shall be enlisted, or any three or more of them, regard being had to the number of children, or other particular circumstances of such person so enlisted : and the sum of sixpence *per diem* for keeping every such new raised man, who shall be delivered as aforesaid, according to the number of days that the officers of the said parish or town shall have kept him in custody, pursuant to the powers granted by this act, until such delivery ; the said allowances, in case of dispute, to be ascertained and distributed to or amongst the said churchwardens, overseers, constables, headboroughs, tithingmen and such other parish or town officers, or any of them, according to the judgment and discretion of the said commissioners, or the major part of them then present.

XI. Provided always, That no person shall be enlisted by the said commissioners by virtue of this act, who is not such an able-bodied man as is fit to serve his Majesty, and is free from ruptures, and every other distemper or bodily weakness or infirmity, which may render him unfit to perform the duty of a soldier, and that no man be enlisted for his Majesty's service by virtue of this act, who shall appear in the opinion of the commissioners or officer or officers appointed to receive the impressed men, to be under the age of seventeen years, or above the age of forty five years, or a known papist, or who shall be under the size of five feet four inches without shoes.

XII. And it is hereby enacted, and strictly enjoined by the authority aforesaid, That the inhabitants of every parish and township where any persons described as aforesaid do abide, or are to be found, at the instance of any one or more of the commissioners appointed for the execution of this act, or of any churchwarden, overseer of the poor, or constable of the same parish or township, shall (not having a lawful or reasonable excuse

where the country, extending his command over the furtherance of his Majesty's service by this act described.

XIII. And be it further enacted by the authority aforesaid, Clerks to be appointed by the commissioners at their first meeting, to appoint a clerk to attend them, and at each of their subsequent meetings; and for the commissioners of the several sub-divisions to appoint Clerks to be appointed for the sub-divisions. That it shall and may be lawful to and for the said commissioners at their first meeting, to appoint a clerk to attend them at their respective meetings in each sub-division wherein soldiers are to be listed as aforesaid; and such respective clerks, as a reward for their labour and pains in the execution of this act, shall be intitled to, and shall receive for every man who shall be listed in pursuance of this act, at the meetings whereon they shall respectively attend, the sum of two shillings of lawful money of Great Britain, to be paid by the respective officer who shall receive such new raised men respectively.

XIV. And be it further enacted by the authority aforesaid, That the said commissioners, or such of them as shall be present at such meeting for listing of soldiers as aforesaid, shall cause the second and sixth sections of the articles of war against mutiny and desertion, to be read to such new raised men in the presence of the said commissioners then there; and the said commissioners, or the major part of them present, shall forthwith cause an entry or memorial to be made in a book or books to be kept by them or their clerks for that purpose, of the names of such new raised men, and of the parishes or places of their last abode (if they can be known) and of the time and place when and where such men were delivered to the said officers or persons appointed to receive them, and the names of the officers or persons who received them, and for what regiment or company they were so received, and the sums paid; and shall cause true copies or duplicates of such entries, attested by the said commissioners, or any three or more of them then present, within forty days after the delivering such men as aforesaid, to be transmitted into the admiralty, or office of his Majesty's secretary at war for the time being, to be compared with the muster-roll; and every clerk, for every neglect or default in not transmitting the said copies or duplicates of such entries to the admiralty, or office of the secretary at war as aforesaid, shall forfeit the sum of ten pounds; one moiety thereof to the use of his Majesty, his heirs and successors, and the other moiety to such person or persons who shall inform or sue for the same in some of the courts of record at Westminster, or the court of sessions in Scotland; and it is hereby declared, That the pay of every such new raised man so delivered to the officers or persons appointed to receive them as aforesaid, shall commence from the time of his being taken and secured as aforesaid; and from and after such delivery as aforesaid, and reading the laid articles of war, every person so raised shall be deemed a listed soldier to all intents and purposes, and shall be subject to the discipline of war, and in case of desertion shall be proceeded against as a deserter by any law.

**En** out of the service, but for criminal matters.

law now in force, or by any law to be made for punishment of defeters; and no person so listed shall be liable to be taken out of his Majesty's service by any process other than for some criminal matter.

**None to be enlisted till the sums payable by the officers are first paid.**

XV. Provided always, That nothing in this act contained shall be construed to extend to empower the said commissioners to enlist any person as a soldier, until the several sums herein directed to be paid by the respective officers appointed to receive such new raised men, shall be first paid to the person or persons respectively authorized to receive the same.

**Officers may secure impressed men.**

XVI. And be it further enacted by the authority aforesaid, That the officer or officers and other person or persons appointed to attend the said commissioners, and to receive such impressed men, shall, in case he or they shall find it necessary, secure such impressed men in some secure house or place to be provided by the justices of the peace in their petty or special sessions for that purpose; but in case no such house or place shall be so provided, then in the gaol of the county, town or place where such man shall be received into his Majesty's service, or in the house of correction or other publick prison of such county, town or place, where debtors are not usually confined; and the keeper of such gaol, house of correction or prison shall receive such impressed men until they can be removed, without fee or reward; and such keeper shall be allowed the usual subsistence for such men, during the time they shall remain there, from the officer by whom they shall be delivered as aforesaid; and the constables, headboroughs and other civil officers shall, if required, be assisting to such officer in conveying such man or men to such secure place, gaol or house of correction, and shall be allowed such reasonable sum or sums as the major part of the commissioners then present shall appoint, to be paid by the officer or officers who shall require such assistance.

**Keeper to be allowed their subsistence money. Civil officers, if required, to be aiding in securing them, and to be allowed for their trouble.**

XVII. And it is hereby further enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners, or any three or more of them, to impose upon any high constable, churchwarden, overseer, petty constable, headborough, tithingman or other parish or town officer, for every wilful neglect or default in the execution of any warrant, order or precept, to them or any of them directed in pursuance of this act, a fine not exceeding ten pounds, and to cause every such fine to be levied by distress and sale of the offenders goods, rendering the overplus (if any be) to the owners; and to distribute one moiety of the said fine to reward the informer or informers, and the other moiety to the churchwardens or overseers, to the use of the poor of the parish where the offence shall be committed.

**Commissioners may levy a fine not exceeding 10l. on constable, &c for neglect of duty.**

XVIII. And be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall wilfully do any act or thing whereby the execution of this act, in the searching for, taking and securing such able-bodied men as aforesaid, shall

be

be hindered or frustrated, every such person shall for every such offence forfeit any sum not exceeding ten pounds, to the use of the poor of the parish where such offence shall be committed; and all and every such offences may be inquired of, heard and finally determined by any two or more of his Majesty's justices of the peace dwelling in or near the place where such offence shall be committed, who have hereby power to cause the said Two justices may hear and determine such offences, penalty to be levied by distress and sale of the offender's goods &c. and chattels, rendering the overplus (if any be) to the owners; For want of distress, of and if the offenders have no goods and chattels sufficient to answer the said penalty, then to commit him or her to the county tender to be gaol or house of correction, there to remain for the space of committed, three months without bail or mainprize.

XIX. Provided always, and it is hereby declared, That this Persons who act shall not extend to the taking or levying any person to serve as a soldier, who shall make it appear to the satisfaction of the commissioners then present, that he hath any vote in the election of any member or members to serve in parliament in any county, city, borough, town, port or place within the kingdom of Great Britain.

XX. And it is hereby enacted, That no person who, at the time of the execution of this act, shall have any military office or employment in Great Britain (other than in the militia) shall execute any power or authority by this act given to commissioners as aforesaid.

XXI. And be it further enacted by the authority aforesaid, That if any action, plaint, suit or information shall be commenced or prosecuted against any person or persons for what he or they shall do in pursuance or execution of this act, the same shall be commenced within three months after the offence committed; and such person or persons so sued in any court whatsoever, shall and may plead the general issue, not guilty; and upon any issue joined may give this act and the special matter in evidence; and if the plaintiff or prosecutor shall become nonsuit, or forbear further prosecution, or suffer a discontinuance, or if a verdict pass against him, the defendant shall recover treble costs; for which they shall have the like remedy as in any case where costs by the law are given to defendants.

XXII. And for the better obviating such frauds and abuses as may be practised in discharging of soldiers, it is hereby further enacted by the authority aforesaid, That no private soldier who shall be duly listed into his Majesty's service by virtue of this act (during the time such soldier shall remain in Great Britain) shall be discharged from his Majesty's service without the consent of the colonel, or in his absence the field officer commanding in chief the regiment, first had and obtained in writing under their hands and seals for that purpose; in which writing the cause of his discharge shall be expressed, and a duplicate or copy of which a duplicate to be of every such discharge forthwith transmitted to the secretary at war, to be by him kept and entered in a book; or if a marine, the secretary without the consent of the lord high admiral or the commission at war.

Officer breakers of the admiralty for the time being first had and obtained; and any officer that shall presume to discharge any soldier enlisted pursuant to this act, in any other manner, contrary to this act, shall for such offence be cashiered.

Impressed men, after five years service, to be discharged, if they demand it.

**XIII.** Provided always, and it is hereby enacted, That every person who shall be listed upon this act, after he shall have continued in the military service of his Majesty, his heirs and successors, during the space of five years, shall be at liberty, if he think fit, to demand his discharge from the colonel, or in his absence the officer commanding the regiment or company to which he shall belong; and such discharge shall be granted to him *gratis* in writing under the hand of such colonel or officer, who is hereby empowered and required to give the same accordingly; any thing herein contained to the contrary notwithstanding.

Clerks to be rewarded for transmitting the duplicates.

**XIV.** And be it further enacted, That the said several clerks to the said commissioners, provided the said copies or duplicates be duly transmitted into the office of the admiralty or secretary at war as aforesaid, shall have and receive by the hands of the paymasters of his Majesty's land forces and marines, or one of them, such rewards as the lord high treasurer or commissioners of the treasury for the time being, upon consideration of the numbers of men listed in the several counties, cities, boroughs or other places, and the pains and charges of the several clerks in this service, shall judge the said clerks severally and respectively to deserve.

His Majesty may suspend the execution of this act.

**XV.** Provided always, That his Majesty, when he shall be satisfied by the said returns of the commissioners, or otherwise, that a sufficient number of recruits in the whole shall be raised for his present service, may be graciously pleased to suspend or stop the further execution of this act, by proclamation or order in council, or other publick notice in the *London Gazette*; any thing herein contained to the contrary notwithstanding.

Persons employed in the execution of this act, exempted from the penalties of 25 Car. 2. c. 2.

3 W. & M. c. 8. and 13 & 14 W. 3. c. 6.

**XVI.** Provided always, and be it further enacted by the authority aforesaid, That no commissioner, churchwarden, overseer, constable, headborough, tithingman or other parish or town officer, who shall be employed in the execution of this act, shall be liable, for or by reason of such execution, to any of the penalties mentioned in an act made in the twenty fifth year of the reign of King Charles the Second, *For preventing dangers which may happen from papist recusants*; or in one other act made in the first year of the reign of King William and Queen Mary, intituled, *An act for abrogating the oaths of allegiance and supremacy, and appointing other oaths*; or in one other act made in the parliament holden in the thirteenth and fourteenth years of the reign of the late King William the Third, intituled, *An act for the further security of his Majesty's person and the succession of the crown in the protestant line; and for the extinguishing the hopes of the pretended prince of Wales and all other pretenders, and their open and secret abettors*.

Commissioners in England

**XXVII.** Provided always, and be it enacted, That no person

son or persons hereby appointed to be a commissioner or commissioners for any county, riding, city, borough, cinque port or place of *England, Wales or Berwick upon Tweed* (except such as duly qualify themselves to be commissioners for executing the said act for the land tax made and passed in the twenty eighth year of his present Majesty's reign, or any subsequent act or acts of parliament for that purpose) shall be capable in *England, Wales or Berwick upon Tweed*, of acting as a commissioner or commissioners in the execution of this act, or executing any the powers of the commissioners therein mentioned (unless it be the power hereby given of administering oaths) until such time as he or they respectively shall have taken the oaths appointed by an act of parliament made in the first year of the reign of King *William and Queen Mary*, intituled, *An act for abrogating the oaths of supremacy and allegiance and appointing other oaths*; and also in the said act, intituled, *An act for the further security of his Majesty's person and the succession of the crown in the protestant line; and for extinguishing the hopes of the pretended prince of Wales and all other pretenders, and their open and secret abettors*; which oaths it shall and may be lawful to and for any two or more of the said commissioners to administer, and they are hereby required to administer the same to any other of the said commissioners; nor commissioners in Scotland (except such as duly qualify themselves according to the laws of Scotland, to be commissioners there for executing the said act for the land tax made and passed in the twenty eighth year of his present Majesty's reign, or any subsequent act or acts of parliament for that purpose) shall be capable of acting as a commissioner or commissioners in the execution of this present act in any part of Scotland, until such time as he or they respectively shall have duly qualified themselves according to the laws of Scotland for that purpose.

**XXVIII.** Provided always, and be it enacted, That if any person hereby appointed a commissioner for any county, city, town or place in *England, Wales or Berwick upon Tweed* (except as before excepted) shall presume to act as a commissioner in the execution of this act, before he shall have taken the said oaths, which by this act he is required to take, and in the manner hereby prescribed, he shall forfeit to his Majesty the sum of forfeit 200l. two hundred pounds, to be recovered by action of debt or on the case, bill, suit or information, in any of his Majesty's courts of record at *Westminster*, wherein no esjoin, protection, wager of law, or more than one imparlance shall be allowed; and that if any person hereby appointed a commissioner for any shire, stewartry, burgh or place in *Scotland* (except as before excepted) shall presume to act as a commissioner in the execution of this act, before that he shall have qualified himself according to the laws in *Scotland*, he shall forfeit to his Majesty the sum of fifty pounds, to be recovered in the court of *Exchequer in Scotland*, in the same manner as any other penalties are there recoverable.

Commissioners  
for the county  
at large, may  
act for any  
city, &c.

**XXIX.** Provided also, That in case there shall not be a sufficient number of commissioners for any city, borough, town, port, or place of *Great Britain* (for which by this act commissioners are specially appointed) capable of acting according to the respective qualifications required by this act, then and in every such case, any the commissioners appointed for the county, shire, or stewartry at large, within which such city, borough, town, or place doth stand, or which is next adjoining thereto, may act as commissioners in the execution of this act, within such city, borough, town, port, or place; any thing herein contained to the contrary notwithstanding.

Qualification  
of commis-  
sioners for  
counties at  
large within  
England.

**XXX.** Provided always, and be it enacted by the authority aforesaid, That no such person shall be capable of acting as a commissioner in the execution of this act, or of any of the powers therein contained, in or for any county at large, within *England*, the dominion of *Wales*, (the counties of *Anglesey*, *Merioneth*, *Cardigan*, *Carmarthen*, *Glamorgan*, *Montgomery*, *Pembroke*, *Carnarvon*, and *Monmouth* excepted) or in or for any of the ridings in the county of *York*, unless such person, by himself or his tenants or trustees, was taxed, or did pay in the same county or riding, for the value of one hundred pounds *per annum* or more of his own estate, by virtue of the said act for the land tax made and passed in *England*, in the twenty eighth year of his Majesty's reign, or any subsequent act or acts of parliament for that purpose, or unless such person so appointed to be a commissioner, shall, at the time of the execution of this act, by himself, his tenants, or trustees, enjoy an estate of lands, tenements or hereditaments, of the said yearly value of one hundred pounds or more, within the said county or riding respectively; any thing herein contained to the contrary notwithstanding.

Persons dis-  
abled pre-  
suming to act,  
forfeit 50l.

**XXXI.** And it is hereby further enacted, That if any person intended by this act to be disabled for any the causes last-mentioned, shall nevertheless presume to act as a commissioner in the execution of this act, or any of the powers therein contained, every such person for such offence, shall forfeit the sum of fifty pounds, to any person or persons who will inform or sue for the same, to be recovered in any of his Majesty's courts of record at *Westminster*, or in the *Exchequer* of *Scotland* as aforesaid.

Commissioners  
may act for  
any city, be-  
ing inhabi-  
tants, or inns  
of court.

**XXXII.** Provided nevertheless, and it is hereby enacted, That no person who is appointed to be a commissioner for executing this act, in any part of *Great Britain*, shall be disabled from acting as a commissioner, within and for any city, borough, cinque port, or corporate town only, whereof he shall be an inhabitant at the time of the execution of this act, nor from acting as a commissioner within any of the inns of court or inns of Chancery.

Mayors,  
bailliffs, &c., to  
act as com-  
missioners

**XXXIII.** And whereas some doubts may arise whether mayors, bailiffs, and other chief magistrates of cities, boroughs, towns corporate, and cinque ports, for which commissioners are specially appointed by virtue of this act, can act as commissioners for executing this act in the said

said cities, boroughs, towns corporate, and cinque ports; be it further specially enacted by the authority aforesaid, That all mayors, bailiffs, pointed and other chief magistrates, who are appointed commissioners for executing this act, shall be, and have power to act as commissioners for executing this act, within and for any city, borough, town corporate, or cinque port, wherein they inhabit at the time of executing this act, as well where commissioners are specially appointed by this act, as where they are not.

XXXIV. And it is hereby provided and enacted, That no bailiff's follower or assistant, employed or belonging to any sheriff, bailiff of liberties, marshalsea court, or any other person or persons that shall be so employed by any one that shall have the power of executing any warrant or process whatsoever, shall be deemed thereby to follow or exercise any calling or employment, or to have a sufficient support or maintenance within the intent and meaning of this act.

XXXV. And forasmuch as great inconveniences may happen by impressing men during the time of harvest; be it therefore enacted by the authority aforesaid, That from and after the fifteenth day of May one thousand seven hundred and fifty six, until the fifteenth day of October following, all harvest labourers, and persons working at hay harvest and corn harvest work within the time aforesaid, within the kingdom of Great Britain, shall not be impressed by virtue of this act, but shall be free and exempted from the same during the time aforesaid, provided they have a certificate under the hands of the minister, and of one churchwarden or overseer of the poor or elders of the parish or place where they live, allowed under the hand and seal of one justice of the peace of the same county, shire, stewartry, riding, city, or place; which certificate shall be given gratis.

XXXVI. And for the more easy and better putting this act in execution; be it enacted by the authority aforesaid, That any three or more commissioners for putting this act in execution in the several ridings of the county of York (being justices of the peace) though not all of the same riding, may, within the castle of York, or limits thereof, execute the powers of this act.

XXXVII. And whereas divers soldiers who have deserted his Majesty's service, have been harboured in a certain place called Threapwood, lying within or near the counties of Chester and Flint, or one of them, and adjoining to the town of Cuddington in the said county of Chester; be it further enacted by the authority aforesaid, That the commissioners hereby appointed for executing this act in the county of Chester, and the officers of the said town of Cuddington, shall execute this act in the said place called Threapwood, according to the true intent and meaning thereof.

XXXVIII. And be it further enacted by the authority aforesaid, That if at any of the meetings of the commissioners by tending to rethis act appointed in any of their sub-divisions, they shall not receive recruits, be attended by some proper officer appointed for the receiving of recruits, either through negligence, or any unavoidable accident, then and in that case it shall and may be lawful to and order the for the said commissioners to adjourn themselves to some other con-

Bailiff's followers not exempted.  
Labourers, having proper certificates, not liable to be impressed in harvest time.

Commissioners within the castle of York.

Commissioners for executing this act in Threapwood.

con-

convenient days, and they are hereby authorized to give directions for detaining in custody all such persons as shall have been then brought before them by the parish officers to be enlisted, or such of them as they shall think duly qualified for his Majesty's service; and the said commissioners shall give notice to any of the officers attending on this service, in the county or place where such sub-divisions shall lye, of the day of such adjournment; and the said officer is hereby required either to attend himself, or to appoint some other officer to attend such commissioners, and to receive such persons as the said commissioners shall enlist into his Majesty's service; and the officer so receiving the recruits shall pay to such person as the commissioners shall appoint, sixpence *per diem*, for the subsistence of every recruit then enlisted, from the day of the last meeting of the commissioners, to the said day of adjournment, the same to be charged to the account of the several regiments or companies into which the said recruits shall be enlisted, together with such charges and expences as shall appear to the said commissioners to have been incurred on account of the detaining the said persons, from the day of the former meeting of the said commissioners, to the day of such second meeting, not exceeding three pounds.

**XXXIX.** And be it further enacted by the authority aforesaid, That this act, and every thing herein contained, shall be and continue in force until the end of the next session of parliament.

#### C A P. V.

*An act to enable his Majesty to grant commissions to a certain number of foreign protestants who have served abroad as officers or engineers, to act and rank as officers or engineers, in America only, under certain restrictions and qualifications.*

13 Geo. 2. c. 7. **W**HENCEAS by an act made in the thirteenth year of the reign of his present Majesty, intituled, An act for naturalizing such foreign protestants, and others therein mentioned, as are settled, or shall settle, in any of his Majesty's colonies in America; all persons born out of the liegeance of his Majesty, his heirs, or successors, who have inhabited and resided, or shall inhabit and reside, for the space of seven years, or more, in any of his Majesty's colonies in America, or shall not have been absent out of some of the said colonies for a longer space than two months at any one time during the said seven years, are, upon the conditions prescribed by the said act, naturalized, and made partakers of all the benefits and privileges which the natural-born subjects of this realm do enjoy, other than such as are specified in a proviso in the said act contained: and whereas many foreigners, being protestants, have been induced by the encouragement offered to them by the said act, to reside and settle in some of the said colonies (and particularly in the provinces of Maryland and Pennsylvania) the natural-born subjects of which last-mentioned province do in great part consist of the people called Quakers,

whose

whose backwardness in their own defence exposes themselves, and that part of America, to imminent danger: and whereas, for the better defence of the said colonies, it hath been proposed to raise a regiment there, consisting of four battalions of one thousand men each, and to enlist as soldiers in the said regiment any of the said foreign inhabitants of the said colonies, who, together with the natives, shall voluntarily enter themselves in his Majesty's service as soldiers; which foreigners cannot so well be raised or trained, without the assistance of some officers who are acquainted with their manners and language: and whereas it is expedient in the present juncture of affairs, to facilitate the speedy raising of such regiment, and to enable a certain number of foreign protestants who have served abroad as officers, or engineers, and thereby acquired experience and knowledge, to serve and receive pay as officers in the said regiment, or as engineers in America; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That all such foreign protestants who shall receive commissions from his Majesty, his heirs or successors, to be officers in the said regiment, or to be engineers, in America (which commissions it shall and may be lawful for his Majesty, his heirs and successors to grant) and shall, in some of his Majesty's colonies in America, take and subscribe the oaths, and make, repeat, and subscribe the declaration, appointed by an act made in the first year of the reign of his late majesty King George the First, intituled, *An act for the further security of his Majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being protestants; and for extinguishing the hopes of the pretended prince of Wales, his open and secret abettors;* and shall at the time of the taking and subscribing of the said oaths, and making, repeating, and subscribing the said declaration, produce certificates signed in manner directed by the said act of the thirteenth year of his present Majesty, of their having received the sacrament in some protestant and reformed congregation within the kingdom of Great Britain, or within some of the said colonies in America, before that time, shall and may be enabled to serve and receive pay as officers in the said regiment, or as engineers in America.

II. Provided nevertheless, That the number of such officers in the said regiment shall not in the whole, at any time, exceed fifty; nor the number of engineers in the whole, at any time, exceed twenty.

III. Provided also, That the colonel of the said regiment shall be a natural-born subject, and not any person naturalized or made a denizen.

IV. Provided also, That no such foreign officer shall be enabled by this act to serve as an officer or engineer in any place, except America only; but every such foreign officer, when he shall be reduced, shall be capable of receiving half-pay, according to the rank in which he shall then serve.

Foreign protestants, who have served abroad as officers and engineers, receiving the King's commissions, taking the oaths,

and producing certificates of their having received the sacrament in some protestant church, within six months to serve in America.

Number of officers not to exceed 50; nor engineers 20.

Colonel to be a natural-born subject.

To serve in America only; and when reduced to have half pay.

## C A P. VI.

*An act for the regulation of his Majesty's marine forces while on shore.*

WHEREAS it may be necessary for the safety of this kingdom and the defence of the possessions of the crown of Great Britain, that a body of marine forces should be employed in his Majesty's fleet and naval service, under the direction of the lord high admiral, or commissioners for executing the office of lord high admiral of Great Britain: and whereas the said marine forces may frequently be quartered on shore, where they will not be subject to the laws relating to the government of his Majesty's forces by sea, yet nevertheless it being requisite for the retaining of such forces in their duty, that an exact discipline be observed, and that marines who shall mutiny or stir up sedition, or shall desert his Majesty's service, be brought to a more exemplary and speedy punishment than the law will allow; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That from and after the twenty fifth day of March one thousand seven hundred and fifty six, if any person, being entered or in pay as an officer of marines, or who is or shall be listed, or in pay as a private man, in any company of marines in his Majesty's service, and on the twenty fifth day of March one thousand seven hundred and fifty six shall remain in such service, or during the continuance of this act shall be voluntarily entered and in pay as a marine officer or private man in his Majesty's service, and being ordered or employed in such service, at any time during the continuance of this act, on shore, in any place within the realm of Great Britain, or in the kingdom of Ireland, or in any of his Majesty's dominions beyond the seas respectively, shall begin, excite, cause, or join in any mutiny or sedition, in the company to which he doth or shall belong, or in any other company, troop or regiment, either of marine or land forces in his Majesty's service, or shall not use his utmost endeavours to suppress the same, or coming to the knowledge of any such mutiny, or intended mutiny, shall not without delay give information thereof to his commanding officer, or shall desert his Majesty's service; or being actually entered as a marine in any company, shall list himself in any other company, troop, or regiment, in his Majesty's service, without first having a discharge in writing from the officer commanding in chief the company in which he last served as a marine; or shall be found sleeping upon his post, or shall leave it before relieved; or shall hold correspondence with any rebel, or enemy of his Majesty, or give them advice or intelligence of any kind, by any ways or means, or in any manner whatsoever; or shall treat with such rebels or enemies, or enter into any condition with them, without his Majesty's licence, or licence of the lord high admiral of Great Britain, or of three or more of the commissioners

Every marine  
officer and  
private man,  
on shore,

who shall mu-  
tiny, or de-  
sert, &c.

or list in any  
other regi-  
ment, &c.

or shall be  
found sleeping  
on, or desert  
his post, or  
hold illegal  
correspon-  
dence with  
the enemies,

mitioners for executing the office of lord high admiral of Great Britain for the time being; or shall strike or use any violence or disobey his against his superior officer, being in the execution of his office; or shall disobey any lawful command of his superior officer; all and every person and persons so offending in any or either of the matters before-mentioned, on shore in any part of this kingdom, or Ireland, or any of his Majesty's dominions beyond the seas, shall suffer death, or such punishment as a court-martial shall inflict.

II. And be it further enacted by the authority aforesaid, That the lord high admiral, &c. it shall and may, from time to time, during the continuance of this act, be lawful to and for the said lord high admiral, or three or more of the said commissioners for executing the said office of lord high admiral for the time being, to grant a commission under his or their respective hand or hands, to any officer of marines in his Majesty's service, not under the degree of a field officer, for the holding a general court-martial at any place or places on shore in this realm, or in Ireland, or in any of his Majesty's dominions beyond the seas; in every of which courts-martial, all or any of the offences aforesaid, and all or any other of the offences herein-after specified, shall be tried and proceeded against in such manner, as by this act is directed.

III. And be it also enacted, That it shall and may be lawful to and for such courts-martial respectively, by their sentence or judgment, to inflict corporal punishment, not extending to life or limb, on any marine, for immorality, misbehaviour, or neglect of duty on shore, in any place or places within this realm &c. or Ireland, or any of his Majesty's dominions beyond the seas, during the continuance of this act.

IV. And be it further enacted by the authority aforesaid, Lords, &c. of That it shall and may be lawful to and for the said lord high admiral, or three or more of the commissioners for executing the said office of lord high admiral, at any time during the continuance of this act, to make and establish rules and articles in writing under his or their respective hand or hands, for the punishment of mutiny and desertion, immorality, misbehaviour, and neglect of duty, in any of his Majesty's marine forces, while on shore in any part of this realm, or Ireland, or any of his Majesty's dominions beyond the seas, and for bringing offenders against the same to justice; and to erect and constitute courts-martial with power to try, hear and determine, any crimes or offences specified in such rules and articles, and inflict punishments by sentence or judgment for the same, according to the true intent and meaning of this act.

V. Provided always, That no person or persons shall be adjudged to suffer any punishment extending to life or limb, by the said rules and articles, within the kingdom of Great Britain or Ireland, except for such crime or crimes as are expressed to be so punishable by this act.

VI. And it is hereby further enacted and declared, That no general court-martial, which shall have power to sit by virtue of this

consist of 13, this act, shall consist of a less number than thirteen, wherof and the president to be a field officer, or officer next in seniority, not under the degree of a captain. none to be under the degree of a commission officer of marines; and the president of such court-martial shall not be under the degree of a field officer of marines, unless where such field officer cannot be had, in which case, the marine officer next in seniority to such field officer, not being under the degree of a captain, shall preside at such court-martial; and that such court-martial shall have power and authority, and are hereby required, to administer an oath to every witness, in order to the examination or trial of any of the offences that shall come before them.

May administer an oath to witnesses.

Officers to be sworn.

VII. Provided always, That in all trials of offenders by general courts-martial, to be held by virtue of this act, every officer present at such trial, before any proceedings be had thereupon, shall take the following oaths upon the holy Evangelists, before the court, and judge advocate, or his deputy (who are hereby authorized to administer the same) in these words; that is to say,

**Y**OU shall well and truly try and determine according to the evidence which shall be given in the matter now before you, between our sovereign lord the King's majesty, and the prisoner to be tried:

So help you God.

**I**A. B. do swear, That I will duly administer justice according to an all of parliament now in force for the regulation of his Majesty's marine forces while on shore, and according to the rules and articles made in pursuance of the said act of parliament for the punishment of mutiny and desertion, and other crimes therein respectively mentioned, without partiality, favour or affection; and if any doubt shall arise (which is not explained by the said act of parliament, or the said rules and articles) according to my conscience, the best of my understanding, and the custom of war in the like cases. And I further swear, That I will not divulge the sentence of the court until it shall be approved by the lord high admiral, or three or more of the commissioners for executing the office of lord high admiral of Great Britain; neither will I upon any account at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness, by a court of justice in a due course of law.

So help me God.

The judge advocate to be sworn. And so soon as the said oaths shall have been administered to the respective members, the president of the court is hereby authorized and required to administer to the judge advocate, or the person officiating as such, an oath in the following words:

**I**A. B. do swear, That I will not upon any account at any time whatsoever disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness, by a court of justice in a due course of law:

So help me God.  
And

And no sentence of death shall be given against any offender by <sup>death, nine officers to con-</sup> any such general court-martial as aforesaid, unless nine officers present shall concur therein; and if there be more officers present than thirteen, then the judgment shall pass by the concurrence of two thirds of the officers present; and no proceeding or trial shall be had upon any offence, but between the hours <sup>Hours of trial.</sup> of eight of the clock in the morning and three in the afternoon, except in cases which require an immediate example.

VIII. Provided always, That the party tried by any general court-martial to be held as aforesaid, shall be intitled to a copy <sup>tried, intitled to a copy of</sup> of the sentence and proceedings of such court-martial, upon demand thereof made by himself, or by any other person or persons on his behalf (he or they paying reasonably for the same) <sup>the sentence and proceedings.</sup> at any time not sooner than three months after such sentence, whether such sentence be approved or not; any thing in this act to the contrary notwithstanding.

IX. And be it enacted by the authority aforesaid, That every judge advocate, or person officiating as such at any general court-martial to be held as aforesaid, do, and he is hereby required to transmitt, with as much expedition as the opportunity of time and distance of place can admit, the original proceedings and sentence of such court-martial to the secretary of the admiralty <sup>Proceedings, &c. of courts-martial to be transmitted to the secretary of the admiralty, &c.</sup> for the time being; which original proceedings and sentence shall be by him carefully kept and preserved in the office of the admiralty of *Great Britain*, to the end that the persons intitled thereto may be enabled, upon application to the said office, to obtain copies thereof according to the true intent and meaning of this act.

X. Provided always, and it is hereby declared and enacted, That no marine, either officer or private man, being acquitted or convicted of any offence at any such court-martial as aforesaid, shall be liable to be tried a second time by the same or any other court-martial for the same offence; and that no sentence given by any court-martial, and signed by the president thereof, be liable to be revised more than once.

XI. And be it further enacted, That if any officer or private man shall desert his Majesty's service in any of his dominions beyond sea, &c. beyond the seas, or elsewhere beyond the seas, and shall escape and come into this realm or *Ireland*, before he be tried by a court-martial for such offence, and shall be apprehended for the same; such officer or private man shall be tried for the same as if the said offence had been committed within this realm.

XII. Provided always, That nothing in this act contained shall extend, or be construed to extend to exempt any marine, either officer or private man, whatsoever, while on shore, from being proceeded against by the ordinary course of law.

XIII. Provided also, and be it further enacted, That no person or persons being acquitted or convicted of any capital crimes, by the civil violence or offences by the civil magistrate, shall be liable to be punished by a court-martial for the same, otherwise than by cashiering.

Persons accused of capital crimes, &c.  
to be delivered over to the civil magistrate, &c.

XIV. Provided also, and be it further enacted, That if any marine officer, non-commission officer or private man shall be accused of any capital crime, or of any violence or offence against the person, estate or property of any of his Majesty's subjects, which is punishable by the known laws of the land; the commanding officer or officers of every company or party is and are hereby required to use his and their utmost endeavours to deliver over such accused person to the civil magistrate; and shall also be aiding and assisting to the officers of justice in the seizing and apprehending such offender, in order to bring him to trial; and if any such commanding officer shall wilfully neglect or refuse, upon application made to him for that purpose, to deliver over any such accused person to the civil magistrate, or to be aiding and assisting to the officers of justice in the apprehending such offender; every such officer so offending, and being thereof convicted before any two or more justices of the peace for the county where the fact is committed, by the oath of two credible witnesses, shall be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any civil or military office or employment within this kingdom, or in his Majesty's service; provided the said conviction be affirmed at the next quarter sessions of the peace for the said county, and a certificate thereof transmitted to the judge advocate, who is hereby obliged to certify the same to the next court-martial.

XV. And whereas his Majesty hath been graciously pleased, in compassion to the distressed condition of several widows of officers of the army, who have lost their lives in the service of the late war, or during the late rebellion, by orders made under his royal sign manual, to direct his commissary general of the musters to allow upon the muster rolls of all the regiments, troops and companies, a number of fictitious names therein mentioned, instead of private men, in order to raise and settle a fund for the maintenance of such widows of officers as are or shall be intitled to his royal bounty; therefore for the more effectually fulfilling his Majesty's said gracious intentions with respect to the allowing of fictitious names upon the muster rolls of the said marine forces while on shore, for the purpose aforesaid; be it further enacted and declared by the authority aforesaid, That it shall and may be lawful, during the continuance of this act, to and for the said lord high admiral, or three or more of the said commissioners for executing the said office of lord high admiral for the time being, by orders in writing under his or their respective hand or hands, to direct the person for the time being authorized to pay the said marine forces, to pay over the full pay of such fictitious private men, as shall be allowed on the muster rolls of the said marine forces while on shore, as aforesaid, to the proper receiver appointed by his Majesty, according to such orders and instructions as his Majesty shall be pleased to make under his sign manual for the purpose aforesaid, and that no allowance of any such fictitious name, upon any muster roll of the said marine forces while on shore, as aforesaid, shall be construed to be a false muster; any thing

Fictitious names allowed by his Majesty's order for the maintenance of officers' widows, not to be construed a false muster.

Paymaster to pay the full pay of such men to the receiver.

in case any person shall be committed to the contrary notwithstanding.

XXV. And whereas there is and may be occasion for the marching and quartering of the said marine forces in several parts of this kingdom; be it further enacted by the authority aforesaid, That for Constables, &c. and during the continuance of this act, and no longer (in pursuance of an order or orders in writing in that behalf under the hand of the said lord high-admiral, or under the hands of three or more of the commissioners for executing the office of lord high admiral for the time being) it shall and may be lawful to and for the constables, tithingmen, headboroughs and other chief officers and magistrates of cities, towns and villages, and other places within England, Wales and the town of Berwick upon Tweed; and in their default or absence, for any one justice of the peace inhabiting in or near any such city, town, village or place, and for no others; and such constables and other civil magistrates as aforesaid are hereby required to quarter and billet the marines both officers and private men in his Majesty's service, in inns, livery-stables, ale-houses, victualling-houses, and all houses of persons selling brandy, strong waters, cyder or meadeglin, by retail, to be drank in houses, other than and except the house or houses of any distillers, who keep houses or places of But in no distilling brandy and strong waters, and the house of any shop-keepers, whose principal dealings shall be more in other goods and merchandizes than in brandy and strong waters (so as such distillers and shop-keepers do not permit or suffer tippling in his or their houses) and in no other, and in no private houses whatsoever, without the consent of the occupier; nor shall any more billets at any time be ordered, than there are effective marines present to be quartered; and if any constable, tithingman, or such like officer or magistrate as aforesaid, shall presume to quarter or billet any such officer or private man in any such private house, without the consent of the occupier; in such case such occupier shall have his or their remedy at law against such magistrate or officer, for the damage that such occupier shall sustain thereby; and if any marine officer shall take upon him to quarter private men otherwise than is limited and allowed by this act, or shall use or offer any menace or compulsion to any mayors, constables or other civil officers before-mentioned, tending to deter and discourage any of them from performing any part of their duty hereby required or appointed; such marine officer shall for every such offence (being thereof convicted before any two or more of the next justices of the peace of the county, by the oath of two credible witnesses) be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any military employment within this kingdom, or in his Majesty's service; provided the said conviction be affirmeded at the next quarter-sessions of the peace of the said county, and a certificate thereof be transmitted to the judge advocate, who is hereby obliged to certify the same to the next court-martial; and in case any person shall find himself aggrieved, in that Persons aggrieved may such

complain to  
any justices.

such constable, tithingman or herborough chief officer or magistrate (such chief officer or magistrate, not being a justice of the peace) has quartered or billeted in his house a greater number of marines than he ought to bear in proportion to his neighbours; and shall complain thereof to one or more justices or justices of the peace of the division, city or liberty, where such marines are quartered; or in case such chief officer or magistrate shall be a justice of the peace, then on complaint made to two or more justices of the peace of such division, city or liberty; such justice or justices respectively shall have, and is or are hereby declared to have power to relieve such person by ordering such and so many of the said marines to be removed, and quartered upon such other person or persons as they shall see cause, and such other person or persons shall be obliged to receive such marines accordingly.

Officers and  
marines to be  
furnished at  
the rates here-  
in set.

XVII. Provided nevertheless, and it is hereby enacted, That the marine officers and private men so quartered and billeted as aforesaid, shall be received and furnished with diet and small beer by the owners of the inns, livery-stables, ale-houses, victualling-houses and other houses in which they are allowed to be quartered and billeted by this act; paying and allowing for the same the several rates herein after-mentioned to be payable out of the subsistence-money for diet and small beer.

What innhol-  
ders may al-  
low men quar-  
tered on them,  
instead of  
meat;

XVIII. Provided always, That in case any innholder or other person on whom any non-commission officers or private men shall be quartered by virtue of this act (except on a march, or employed in recruiting; and likewise except the recruits by them raised, for the space of seven days at most, for such non-commission officers and private men, who are recruiting, and recruits by them raised) shall be desirous to furnish such non-commission officers or private men with candles, vinegar and salt, and with either small beer or cyder, not exceeding five pints for each man per diem, gratis, and allow to such non-commission officers or private men the use of fire, and the necessary utensils for dressing and eating their meat, and shall give notice of such his desire to the commanding officer, and shall furnish and allow the same accordingly; then and in such case, the non-commission officers and private men so quartered shall provide their own victuals; and the officer to whom it belongs to receive, or who shall actually receive the pay and subsistence of such non-commission officers and private men, shall pay the several sums herein after-mentioned to be payable out of the subsistence-money for diet and small beer, to the non-commission officers and private men aforesaid, and not to the innholder, or other person on whom such non-commission officers and private men are quartered; any thing herein contained to the contrary notwithstanding.

Penalty on of-  
ficers taking  
money to ex-  
cuse quarter-  
ing.

XIX. Provided always, and be it enacted by the authority aforesaid, That if any marine officer shall take or cause to be taken, or knowingly suffer to be taken, any money of any person for excusing the quartering of officers or private men, or

any of them in any house allowed by this act; every such officer shall be cashiered, and be incapable of serving in any military employment whatsoever.

**XX.** And whereas it may be for the benefit of the service for the commanding officer to have a power to exchange the billets or quarters of marines quartered in the same town or place; be it therefore enacted by the authority aforesaid, That the commanding officer of marines in any town or place where such marine forces are quartered, shall, and he is hereby declared to have power from time to time to exchange any marine or marines quartered in such town or place for any other marine or marines quartered in the same town or place; provided the number of men do not exceed the number at that time billeted on such houses respectively, where such men shall be exchanged; and the constables, tithingmen, headboroughs and other chief officers and magistrates of the cities, towns and villages, or other places where any of the said marine forces shall be quartered, are hereby required to billet such men so exchanged accordingly.

**XXI.** And be it further enacted by the authority aforesaid, That from and after the twenty-fifth day of March one thousand seven hundred and fifty-six, no paymaster, or other officer or person whatsoever, shall receive any fees, or make any deductions whatsoever out of the pay of any marine, either officer or private man, in his Majesty's service, or from their agents, which shall grow due from and after the said twenty fifth day of March one thousand seven hundred and fifty six, other than the usual deductions for clothing, and twelve pence in the pound to be disposed of as his Majesty shall think fit, and the one day's pay in the year for the use of the royal hospital at Chelsea, and such other necessary deductions as shall from time to time be directed by the said lord high admiral, or three or more of the commissioners for executing the said office of lord high admiral for the time being, by order in writing under his or their respective hand or hands.

**XXII.** And that the quarters both of the said marine officers and private men while on shore as aforesaid, may, during the continuance of this act, be duly paid and satisfied, and his Majesty's duties of excise better answered, be it enacted by the authority aforesaid, That from and after the twenty fifth day of March one thousand seven hundred and fifty six, every officer or other person to whom it belongs to receive, or that shall actually receive the pay or subsistence-money for one or more particular company or companies of the said marine forces, or otherwise, shall immediately, upon each receipt of every particular sum which shall from time to time be paid, returned or come to his or their hands on account of pay or subsistence, give publick notice thereof to all persons keeping inns, or other places where officers or private men are quartered by virtue of this act; and shall also appoint the said innkeepers and others to repair to their quarters at such times as they shall appoint, for the distribution and payment of the said pay or subsistence-money.

**"An Act for making better provision for the pay and subsistence of Officers and men in the Marine Forces."**

**Rates of sub-sistence to be paid to innkeepers, &c.**

**Officers not giving notice of subsistence-money, and paying quarters,**

**Paymaster to satisfy them out of officers' arrears.**

**On moving from quarters, the officer to make up accounts, and give certificates for money due, &c.**

money to such officers or private men, which shall be within four days at the farthest after the receipt of the same as aforesaid; and the said innkeepers and others shall then and there acquaint such officer or officers with the accounts or debts, (if any shall be) between them and the officers and private men so quartered in their respective houses; which accounts the said officer or officers is or are hereby required to accept of, and immediately pay the same, before any part of the said pay or subsistence be distributed either to the officers or private men: provided the said accounts exceed not for one marine commission officer under the degree of a captain, for such officer's diet and small beer, *per diem*, one shilling, and if such officer shall have a horse or horses, for each such horse or horses for their hay and straw, *per diem*, six pence; nor for one private man's diet and small beer, *per diem*, four pence: and if any officer or officers as aforesaid shall not give notice as aforesaid, and shall not immediately, upon producing such account stated, satisfy, content and pay the same; upon complaint and oath made thereof by any two witnesses, at the next quarter sessions for the county or city wherein such quarters were (which oath the justices of the peace at such sessions are hereby authorized and required to administer) the paymaster or person for the time being authorized to pay the said marine forces, is hereby required and authorized (upon certificate of the said justices, before whom such oath was made, of the sum due upon such accounts, and the persons to whom the same is owing) to pay and satisfy the said sums out of the arrears due to the said marine officer or officers, upon penalty that such paymaster or person shall forfeit their respective place or places of paymaster or otherwise, and be discharged from holding the same for the future. And in case there shall be no arrears due to the said officer or officers, then the said paymaster or person for the time being authorized to pay the said marine forces, is hereby authorized and required to deduct the sums he shall pay pursuant to the certificate of the said justices, out of the next pay or subsistence-money of the company to which such officer or officers shall belong; and such officer or officers shall for such their offence, or for neglecting to give notice of the receipt of such pay or subsistence-money as aforesaid, be deemed and taken, and are hereby declared *ipso factu* cashiered.

**XIII.** And where it shall happen that the subsistence-money due to any marine officer or private man shall, by occasion of any accident, not be paid to such officer or private man, or such officer or private man shall neglect to pay the same, so that quarters cannot be, or are not paid, as this act directs; in every such case it is hereby further enacted, That every such officer shall, before his or their departure out of his or their quarters, where such company shall remain for any time whatsoever, make up the accounts as this act directs, with every person with whom such company shall have quartered, and sign a certificate thereon, and give the laid certificate so by him signed to the party to whom

where such money is due, with the name of such company to which he or they shall belong; to the end the said certificate may be forthwith transmitted to the proper paymaster of the marines, who is hereby required immediately to make payment thereof to the person or persons to whom such money shall be due, to the end the same may be applied to such company, under pain as is before in this act directed for non-payment of quarters.

**XXIV.** And be it enacted by the authority aforesaid, That it shall and may be lawful to quarter officers and private men of his Majesty's marine forces in *Scotland*, in such and the like places and houses as officers and private men of the land forces might have been quartered in, by the laws in force in *Scotland* at the time of the union; and that the possessors of such houses shall only be liable to furnish the said marine officers and private men quartered there, as by the said laws in force at the time of the union was provided, with respect to the officers and private men of the land forces; and that no such marine officer shall be obliged to pay for his lodging where he shall be regularly billeted, except in the suburbs of *Edinburgh*.

**XXV.** And be it further enacted by the authority aforesaid, That for the better and more regular provision of carriages for his Majesty's marine forces in their marches, or for their arms, clothes, and accoutrements, in *England*, *Wales*, and the town of *Berwick upon Tweed*, all justices of the peace, within their several counties, ridings, divisions, shires, liberties, and precincts, being duly required thereunto by the said lord high admiral, or three or more of the commissioners, for executing the said office of lord high admiral for the time being, by an order in writing under his or their respective hand or hands, shall, as often as such order shall be brought and shewn unto one or more such justices by the officer or officers of the company or companies of marines so ordered to march, issue out his or their warrant or warrants to the high constables or petty constables of the division, riding, city, liberty, hundred or precinct, from, through, near, or to which such company or companies shall be ordered to march; requiring them to make such provision for carriages, with able men to drive the same, as shall be mentioned in the said warrant, allowing them sufficient time to do the same, that the neighbouring parts may not always bear the burden: and in case sufficient carriages cannot be provided within any such riding, city, liberty, hundred, division or precinct, then the next justice or justices of the peace of the county, riding or division, shall, upon such order as aforesaid being brought or shewn to one or more of them, by any of the marine officers aforesaid, issue his or their warrant or warrants to the high constables or petty constables, of such next county, riding, liberty, division, or precinct, for the purposes aforesaid, to make up such deficiency: and the aforesaid officer or officers, who by virtue of the aforesaid warrant or warrants from such justice or justices of the peace, is or are to demand the carriage or carriages therein mentioned,

Anno Regis. MDCCLXVII. Capit. L.

of the high constable or petty constable to whom the warrant is directed, is and are hereby required at the same time to pay down in hand to the said constable or petty constable, for the use of the person who shall provide such carriages and men, the sum of one shilling for every mile any wagon with five horses shall

**Rates for carriages.** travel; and the sum of one shilling for every mile any wain with six oxen, or four oxen with two horses, shall travel; and the sum of nine pence for every mile any cart with four horses shall travel; and so in proportion for less carriages; for which respective sums so received, the said constable or petty constable is hereby required to give a receipt in writing to the person or persons paying the same: and such constable or petty constable shall order and appoint such person or persons having carriages within their respective liberties, as they shall think proper, to provide and furnish such carriages and men, according to the warrant aforesaid, who are hereby required to provide and furnish

**Penalty on officers forcing waggons to travel more than one day's journey, &c.** the same accordingly: and if any marine officer or officers, for the use of whose company or companies the carriage was provided, shall force and constrain any wagon, wain, cart or carriage to travel more than one day's journey, or shall not discharge the same in due time for their return home, or shall suffer any marine or servant (except such as are sick) or any woman to ride in the wagon, wain, cart or carriage aforesaid, or shall force any constable or petty constable, by threatenings or menacing words, to provide saddle horses for themselves or servants, or shall force horses from the owners, by themselves, servants or private men; every such officer, for every such offence, shall forfeit the sum of five pounds; proof thereof being made upon oath, before two of his Majesty's justices of the peace of the same county or riding, who are to certify the same to the proper paymaster of his Majesty's marine forces, who is hereby required to pay the aforesaid sum of five pounds accordingly to the order and appointment under the hands and seals of such justices of the peace, and is also hereby impowered to deduct the same out of such officer's pay.

**Penalty on constab'es, &c. neglect.** **XVI.** And be it enacted by the authority aforesaid, 't hat if any high constable or petty constable shall wilfully neglect or refuse to execute any such warrant of the said justice or justices of the peace, as shall be directed unto such constable or petty constable for providing carriages as aforesaid; or if any person or persons, appointed by such constable or petty constable to provide or furnish any carriage and men, shall refuse or neglect to provide the same; or any other person or persons whatsoever shall wilfully do any act or thing, whereby the execution of any such warrant or warrants shall be hindered or frustrated; every such constable, or other person or persons so offending shall, for every such offence, forfeit any sum not exceeding forty shillings, nor less than twenty shillings, to the use of the poor of the parish where any such offence shall be committed: and all and every such offence and offences shall and may be enquired of, heard and fully determined, by two of his Majesty's justices of the

the peace, dwelling at or near the place where such offence shall be committed, who have hereby power to cause the said penalty to be levied by distress and sale of the offender's goods and chattels, rendering the overplus (if any) to the owner.

XXVII. And whereas the respective sums of money by this act appointed to be paid to the constables by the officers demanding such carriages may not in many cases be sufficient to answer the charge and expence of providing the same, whereby the said constables may be frequently at great charges, over and above what is received by them of the said officers, to the great burthen of the township of which they are respectively constables, or else the persons furnishing such carriages may be grievously oppressed, to prevent which, and that such overplus charge may be borne by each county or riding, at the general charge of such county or riding, be it further enacted by the authority aforesaid, That the treasurer or treasurers of ordinary each respective county or riding shall, without fee or reward, pay unto such constable all and every such reasonable sum or sums of money, so by him paid, or laid out for such carriages, over and above what was or ought to have been paid by the marine officer requiring such carriages, out of the publick stock of such county or riding, according to such rates, orders, rules and directions, as the said justices of the peace, in their quarter sessions assembled, within their respective jurisdictions, shall, from time to time, during the continuance of this act, make; direct and appoint, (which orders shall be made without fee or reward) regard being always had to the season of the year, and the length and condition of the roads through which such carriages are to travel.

XXVIII. And in case the said publick stock of the county or riding be not sufficient (over and above the other purposes for which it was raised) to satisfy the extraordinary charge of carriages before-mentioned; it is hereby further enacted, That the said justices of the peace in the general quarter sessions shall have power, from time to time, to raise monies upon their respective counties or ridings, in such manner as they now raise monies for building or repairing county gaols and bridges, to satisfy the said extraordinary charge of carriages.

XXIX. Provided always, and be it further enacted, That no waggon, wain, cart or carriage impressed by authority of this & <sup>to</sup> rotary act, shall be liable or obliged by virtue of this act to carry above twenty hundred weight; any thing in this act contained to the contrary notwithstanding.

XXX. And be it further enacted, That the carriages for the Carriages in service of the marine forces quartered or marching in Scotland, how shall be provided in like manner and at the rates, and the furnisher of such carriages shall be paid, as was directed by the law in force in Scotland at the time of the union, with regard to the furnishing carriages for land forces.

XXXI. And be it enacted by the authority aforesaid, That if any officer, military or civil, by this act authorized to quarter ~~not~~ to be marines in any houses hereby appointed for that purpose, shall at <sup>any</sup> time

## Penalty.

any time, during the continuance of this Act, shall enter or leave the wives, children, men or maid servants of any officer or marine in any such houses, against the consent of the owners; the party offending, if an officer of the marines, shall, upon complaint and proof thereof made to the commissioners for executing the office of lord high admiral, or judge advocate, be *ipso facto* cashiered; and if a constable, tythingman or other civil officer, he shall forfeit to the party aggrieved twenty shillings, upon complaint and proof thereof made to the next justice of the peace, to be levied by warrant of such justice by distress and sale of his goods, rendering the overplus to the party, after deducting reasonable charges in taking the same.

## Penalty on officers or marines destroying the game

XXXII. And for the better preservation of the game in or near such place, where any officers or soldiers shall at any time be quartered, be it enacted by the authority aforesaid, That if from and after the said twenty fifth day of March one thousand seven hundred and fifty six, any officer or marine shall, without leave of the lord of the manor, under his hand and seal first had and obtained, take, kill or destroy any hare, coney, pheasant partridge, pigeon, or any other sort of fowls, poultry or fish, or his Majesty's game, within the kingdom of Great Britain; and upon complaint thereof shall be, upon oath of one or more credible witness or witnesses, convicted before any justice or justices of the peace, who is or are hereby empowered and authorized to hear and determine the same; (that is to say) every officer so offending shall for every such offence forfeit the sum of five pounds, to be distributed among the poor of the place where the offence shall be committed; and every officer commanding in chief upon the place, for every such offence committed by any marine under his command, shall forfeit the sum of twenty shillings, to be paid and distributed in manner aforesaid: and if upon conviction made by the justices of the peace, and demand thereof also made by the constable or overseers of the poor, such officer shall refuse or neglect, and not within two days pay the said respective penalties; such officer so refusing or neglecting shall forfeit, and is hereby declared to have forfeited his commission, and his commission is hereby declared to be null and void.

## Constables may apprehend deserters, and carry them before justice.

XXXIII. And whereas several marines, who being duly entered, may afterwards desert and be found wandering, or otherwise absenting themselves illegally from his Majesty's service; it is hereby further enacted, That it shall and may be lawful to and for the constable, headborough or tythingman of the town or place where any person, who may be reasonably suspected to be such a deserter, shall be found, to apprehend, or cause him to be apprehended, and to cause such person to be brought before any justice of the peace living in or near such town or place, who is hereby empowered and required to examine such suspected person; and if by his confession, or the testimony of one or more witness or witnesses upon oath, or by the knowledge of such justice of the peace, it shall appear or be found, that such suspected

such person is a marine duly enlisted, and ought to be with the company to which he belongs; such justice of the peace shall forthwith cause him to be conveyed to the gaol of the county or place where he shall be found; or to the house of correction, or other publick prison in such town or place where such deserter shall be apprehended; or to the *Savoy*, in case such deserter shall be apprehended within the cities of *London* or *Westminster*, or places adjacent, and transmit an account thereof to the secretary of the admiralty for the time being, to the end such person may be proceeded against according to law; and the keeper of such gaol, house of correction or prison shall receive fully the full subsistence of every such deserter, during the time he shall continue in his custody, for the maintenance of such deserter; but shall not be intitled to any fee or reward on account of the imprisonment of any such deserter; any law, usage or custom to the contrary notwithstanding.

**XXXIV.** And for the better encouragement of any person or persons to secure or apprehend such deserters, be it further enacted, That such justice of the peace shall also issue his warrant in writing to the collector or collectors of the land tax money of the parish or township where such deserter shall be apprehended, for paying out of the land tax money arisen or to arise in the year one thousand seven hundred and fifty six, into the hands of such person or persons who shall apprehend, or cause to be apprehended any such deserter from his Majesty's service the sum of twenty shillings for every such deserter that shall be so apprehended and committed; which sum of twenty shillings shall be satisfied by such collector or collectors, to whom such warrant shall be directed, and allowed upon his or their account.

**XXXV.** And be it further enacted, That if any person shall harbour, conceal or assist any deserter from his Majesty's marine service, knowing him to be such, the person so offending shall forfeit for every such offence the sum of five pounds; or if any person shall knowingly detain, buy or exchange, or otherwise receive any arms, clothes, caps, or other furniture belonging to the King, from any marine or marine deserter, upon any account or pretence whatsoever, or cause the colour of such clothes to be changed; every person so offending in each, any or either of the cases aforesaid, shall forfeit for every such offence the sum of five pounds, and upon conviction by the oath of one or more credible witness or witnesses before any one or more of his Majesty's justices of the peace, the said respective penalties of five pounds and five pounds shall be levied by warrant under the hand of the said justice or justices of the peace, by distress and sale of the goods and chattels of the offender; one moiety of the said first-mentioned penalty of five pounds to be paid to the informer, by whose means such deserter shall be apprehended; and one moiety of the said last-mentioned penalty of five pounds to be paid to the informer; and the residue of the said respective penalties to be paid to the officer to whom any

any such deserter or marine did or doth belong; and in case any such offender, who shall be convicted as aforesaid of harbouring or assisting any such deserter or deserters; or having knowingly received any arms, clothes, caps, or other furniture belonging to the King; or of having caused the colour of such clothes to be changed, contrary to the intent of this act; shall not have sufficient goods and chattels, whereon distress may be made to the value of the penalties recovered against him for such offence, or shall not pay such penalties within four days after such conviction; then and in such case, such justice or justices of the peace shall and may, by warrant under his or their hand and seal or hands and seals, either commit such offender to the common gaol, there to remain without bail or mainprize for the space of three months, or cause such offender to be publickly whipt, at the discretion of such justice or justices.

This act to extend to des-  
erters, &c. in Ireland.

**XXXVI.** Provided always, That so much of this act as relates to the punishment of such who shall harbour, conceal or assist deserters, or shall knowingly detain, buy, exchange, or otherwise receive any arms, clothes, caps, or other furniture belonging to the King, from any marine or marine deserter, or cause the colour of such clothes to be changed, shall extend to all ends and purposes whatsoever, to *Ireland*, and shall be put in execution in that kingdom by all justices of the peace and other officers respectively, according to the tenor and during the continuance of this act.

Continuance  
of this act.

**XXXVII.** And be it further enacted by the authority aforesaid, That this act, and every thing herein contained, shall be and continue in force from the said twenty fifth day of *March* in the year of our Lord one thousand seven hundred and fifty six, until the twenty fifth day of *March* in the year of our Lord one thousand seven hundred and fifty seven.

No volunteer  
liable to pro-  
cess, unless  
for some cri-  
minal matter,  
or a real debt  
of the value  
of 10l. of  
which oath to  
be made.

**XXXVIII.** And to prevent as far as may be any unjust or fraudulent arrests that may be made upon marines, whereby his Majesty and the publick may be deprived of their service, it is hereby further enacted by the authority aforesaid, That no person whatsoever who is entered or shall enter himself as a volunteer in his Majesty's service as a marine, during the continuance of this act, shall be liable to be taken out of his Majesty's service by any process or execution whatsoever, other than for some criminal matter, unless for a real debt, or other just cause of action, and unless before the taking out of such process or execution (not being for a criminal matter) the plaintiff or plaintiffs therein, or some other person or persons on his or their behalf, shall make affidavit before one or more judge or judges of the court of record, or other court out of which such process or execution shall issue, or before some person authorized to take affidavits in such courts, that to his or their knowledge the original sum justly due and owing to the plaintiff or plaintiffs from the defendant or defendants, in the action, or cause of action on which such process shall issue, or the original debt for which such execution shall be issued out, amounts to the value of ten pounds at least, over and

and shall all costs of suit in the same action, or in any other action on which the same shall be grounded; a memorandum of which oath shall be marked on the back of such process or writ; for which memorandum or oath no fee shall be taken: and if any person shall nevertheless be arrested contrary to the intent of this act, it shall and may be lawful for one or more judge or judges of such court, upon complaint thereof made by the party himself, or by any his superior officer, to examine into the same by the oath of the parties, or otherwise, and by warrant under his or their hands and seals, to discharge such marine so arrested contrary to the intent of this act, without paying any fee or fees, upon due proof made before him or them, that such marine so arrested was legally entered as a marine in his Majesty's service, and arrested contrary to the intent of this act; and also to award to the party so complaining such costs as such judge or judges shall think reasonable: for the recovery whereof he shall have the like remedy that the person who takes out the said execution might have had for his costs, or the plaintiff in the like action might have had for the recovery of his costs, in case judgment had been given for him with costs against the defendant in the said action.

**XXXIX.** And to the end that honest creditors, who aim only at the recovery of their just debts due to them from persons entered as marines into his Majesty's service, may not be hindered from suing for the same, but on the contrary may be assisted and forwarded in their suits; and instead of an arrest, which may at once hest the service, and occasion a great expence and delay to themselves, may be enabled to proceed in a more speedy and cheap method; be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any plaintiff or plaintiffs, upon notice first given in writing of the cause of action to such person or persons so entered, or left at his or their last place of residence before such entering, to file a common appearance in any action to be brought for or upon account of any debt whatsoever, so as to intitle such plaintiff to proceed and proceed therewith to judgment and outlawry, and to have an execution to judgment thereupon, other than against the body or bodies of him or them so entered as aforesaid; this act, or any thing herein, or any former law or statute to the contrary notwithstanding.

**XL.** And be it further enacted by the authority aforesaid, That if any high constable, constable, beadle, or other officer constables, or person whatsoever, who by virtue or colour of this act shall neglect quarter or billet, or be employed in quartering or billeting any marine officers or private men, shall neglect or refuse for the space of two hours to quarter or billet such officers or marines, when thereunto required, in such manner as is by this act directed, provided sufficient notice be given before the arrival of such forces; or shall receive, demand, contract or agree for any sum or sums of money, or any reward whatsoever, for or on account of excusing, or in order to excuse any person or persons whatsoever from quartering or receiving into his, her or their and on vice-

tuallers refusing to receive marines. — their houses or houses any such officer or marine; or in case any victualler, or any other person liable by this act to have any officer or marine billeted or quartered on him or her, shall refuse to receive or victual any such officer or marine so quartered or billeted upon him or her as aforesaid; or shall refuse to furnish or allow, according to the directions of this act, the several things herein before respectively directed to be furnished or allowed to non-commission officers and marines so quartered or billeted on him or her as aforesaid, at the rates herein before-mentioned, and shall be thereof convicted before any one or more justice or justices of the peace of the county, city or liberty within which such offence shall be committed, either by his own confession, or by the oath of one or more credible witness or witnesses (which oath the laid justice or justices is and are hereby empowered to administer) every such high constable, constable, beadle, or other officer or person so offending, shall forfeit for every such offence the sum of five pounds, or any sum of money not exceeding five pounds, nor less than forty shillings (as the said justice or justices, before whom the matter shall be heard, shall in his or their discretion think fit) to be levied by distress and sale of the goods of the person offending, by warrant under the hand and seal or hands and seals of such justice or justices before whom such offender shall be convicted, or of one or more of them, to be directed to any other constable within the county, city or liberty, or to any of the overseers of the poor of the parish where the offender shall dwell; and the said sum of five pounds, or the laid sum not exceeding five pounds, nor less than forty shillings, when levied, to be paid to the overseers of the poor of the parish where the offence shall be committed, or to some one of them, for the use of the poor of such parish.

Justices may order constables to give an account of the number of officers and private men, and where quartered.

XLI. And for the better preventing abuses in quartering or billeting the marines, in pursuance of this act, be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any one or more justice or justices of the peace within their respective counties, cities or liberties, by warrant or order under his or their hand and seal or hands and seals, at any time or times during the continuance of this act, to require and command any high constable, constable, beadle, or other officer who shall quarter or billet any marines in pursuance of this act, to give an account in writing unto the said justice or justices requiring the same, of the number of officers and private men who shall be quartered or billeted by them, and also the names of the house-keepers or persons upon whom every such officer or private man shall be quartered or billeted, together with an account of the street or place where every such house-keeper dwells, and of the signs (if any) belonging to their houses; to the end it may appear to the said justice or justices where such officers and private men are quartered or billeted, and that he or they may thereby be the better enabled to

prevent or punish all abuses in the quartering or billeting of them.

XLII. Provided nevertheless, and it is hereby declared by Clause for relief of persons hastily listing.  
the authority aforesaid, That from and after the twenty fifth day of March one thousand seven hundred and fifty six, when and as often as any person or persons shall be enlisted as a marine or marines in his Majesty's service, he and they shall, within four days, but not sooner than twenty four hours after such enlisting respectively, be carried before the next justice of the peace of any county, riding, city or place, or chief magistrate of any city or town corporate (not being an officer of marines) and before such justice or chief magistrate he or they shall be at liberty to declare his or their dissent to such enlisting; and upon such declaration, and returning the enlisting money, and also each person so dissenting paying the sum of twenty shillings for the charges expended or laid out upon him, such person or persons so enlisted shall be forthwith discharged and set at liberty, in the presence of such justice or chief magistrate, but if such person or persons shall refuse or neglect, within the space of twenty four hours to return and pay such money as aforesaid, he or they shall be deemed and taken to be enlisted, as if he or they had given his or their assent thereto before the said justice or chief magistrate; or if such person or persons shall declare his or their having voluntarily enlisted himself or themselves, then such justice or chief magistrate shall, and he is hereby required forthwith to certify under his hand, that such person or persons is or are duly enlisted; setting forth the place of the birth, age and calling of him or them respectively (if known) and that the second and third sections of the articles of war for the better government of his Majesty's marine forces while on shore in Great Britain or Ireland, were read to him or them, and that he or they had taken the oath of fidelity mentioned in the twelfth section of the said articles of war; and if any such person or persons so to be certified as duly enlisted, shall refuse to take the said oath of fidelity before the said justice or chief magistrate, it shall and may be lawful for such officer, from whom he has received such money as aforesaid, to detain or confine such person or persons until he or they shall take the oath before required; and every officer of marines that shall act contrary hereto, or offend herein, upon proof thereof upon oath made by two witnesses, before a general court-martial to be thereupon called, shall for such offence be forthwith cashiered and displaced from such his office, and shall be thereby utterly disabled to have or hold any civil or military office or employment within this kingdom, or in his Majesty's service.

XLIII. Provided always, and it is hereby declared, That all his Majesty's marine forces, as well officers as private men, shall from time to time, during their being respectively borne as part of the complement of any of his Majesty's ships or vessels, be subject & liable in like manner, in all respects, as any officers, or seamen employed in his Majesty's sea service are subject and liable to the rules established by

Marine forces borne as part of the complement of any ships of war, liable to the rules established by  
Geo. 2.c. 33.

liable, to be governed and proceeded against and punished for offences committed by them, during the time they shall be borne as part of the complement of such ships or vessels, according to the purport, tenor, effect and true intent and meaning of an act of parliament made in the twenty second year of his present Majesty's reign, intituled, *An act for amending, explaining and reducing into one act of parliament, the laws relating to the government of his Majesty's ships, vessels and forces by sea, this present act, or any thing herein contained notwithstanding.*

### C A P. VII.

*An act for granting to his Majesty the sum of two millions, to be raised by way of annuities and a lottery, and charged on the sinking fund, redeemable by parliament; and for extending to Ireland the laws made in this kingdom against private and unlawful lotteries.*

Most gracious Sovereign,

WE your Majesty's most dutiful and loyal subjects the commons of Great Britain in parliament assembled, towards raising the necessary supplies to defray your Majesty's publick expences, have freely resolved to give and grant unto your Majesty the sum of two millions, one million five hundred thousand pounds, part thereof to be raised by annuities after the rate of three pounds ten shillings *per centum per annum*, and five hundred thousand pounds, residue thereto, by a lottery, to be attended with annuities after the rate of three pounds *per centum per annum*, in such manner and form as is herein after directed; and do therefore most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That for or towards raising the said sum of two millions it shall and may be lawful to and for the several persons, natives or foreigners, and bodies politick or corporate, who in pursuance of the resolution of the commons of Great Britain in parliament assembled, have in books opened at the bank of England for that purpose, subscribed and agreed to contribute to the payment of the said sum of two millions, and who have in pursuance of the said resolution deposited with, or paid to the cashier or cashiers of the governor and company of the bank of England for the time being, the sum of ten pounds *per centum*, in part of the sums by them subscribed respectively, to advance and pay unto the said cashier or cashiers, who are hereby appointed the receipt and receivers of such contributions (without any further or other warrant to be sued for, had or obtained in that behalf) the sum under of the several sums so subscribed at or before the respective days or times, and in the proportions in this act limited in that behalf.

Contributors  
who have de-  
posited 10.  
per cent in  
part thereof,  
to pay the re-  
mainder with-  
in the times  
limited.

II. And whereas it is intended that all such contributors to the said sum of two millions, who shall have subscribed for four hundred pounds, shall be intituled to three hundred pounds in annuities

annuities after the rate of three pounds ten shillings *per centum per annum*, transferable at the bank of England, and to one hundred pounds in lottery tickets, to be attended with annuities (transferable also at the bank of England) after the rate of three pounds *per centum per annum*, and so in proportion for a greater or less sum; be it enacted by the authority aforesaid, That all such contributors who have so made the said deposit of ten pounds *per centum*, in part of the sums by them severally subscribed, as a security for their making their future payments, shall make the same accordingly at or before the respective days or times, and in the proportions in this act limited in that behalf; that is to say, in respect of their proportional share of the said sum of one million five hundred thousand pounds, fifteen pounds *per centum* on or before the thirtieth day of March one thousand seven hundred and fifty six; twenty pounds *per centum* on or before the fifteenth day of May then next ensuing; twenty pounds *per centum* on or before the sixteenth day of July then next ensuing; twenty pounds *per centum* on or before the sixteenth day of September then next ensuing; and the remaining fifteen pounds *per centum* on or before the thirtieth day of October then next ensuing; and in respect of their proportional share of the said sum of five hundred thousand pounds, twenty pounds *per centum* on or before the twenty second day of April one thousand seven hundred and fifty six; twenty pounds *per centum* on or before the sixteenth day of June then next ensuing; twenty five pounds *per centum* on or before the fourteenth day of August then next ensuing; and the remaining twenty five pounds *per centum* on or before the twentieth day of October then next following; and that all such contributors for and in respect of three fourths of the sums so by them subscribed, shall be intitled to their proportional share of annuities after the rate of three pounds ten shillings *per centum per annum*; and for and in respect of the remaining fourth part of the sum so subscribed, to as many lottery tickets as the said fourth part of the sum so subscribed shall purchase, after the rate of ten pounds for each ticket; and that every such contributor or adventurer, for every sum of ten pounds so advanced for the purchase of a lottery ticket, shall be intitled to such lot, and to such annuity, after the rate of three pounds *per centum per annum*, as is herein after directed and appointed.

III. And be it further enacted by the authority aforesaid, That the annuities which shall become due and payable to the several contributors, their executors, administrators, successors and assigns, after the rate of three pounds ten shillings *per century per annum*, in respect of the said sum of one million five hundred thousand pounds, part of the said principal sum of two millions, shall commence and be computed from the eleventh day of February one thousand seven hundred and fifty six; and that so much of the said annuities, as after the said rate of three pounds ten shillings *per centum per annum* shall be due on the fifth day of January one thousand seven hundred and fifty seven, shall

Times of payments in respect of the sum of 1,500,000. subscribed towards annuities.

Times of payment in respect of the sum of 500,000 l. towards the lottery.

Annuities to bear 3 l. 10 s. per cent. interest.

and tickets 3 l. per cent.

First payment of interest to be on 5 Jan. 1757. and shall

Annuities to commence from 11 Feb. 1756.

afterwards to  
be paid half-  
yearly.

Interest on  
tickets to  
commence  
on 5 Jan.  
1737, and  
payable half-  
yearly.

and the annuities which shall become due after that time, to be due shall be paid half-yearly on the fifth day of July and the fifth day of January, by even and equal portions; and that the annuities which shall become due and payable to the said contributors, their executors, administrators, successors and assigns, at the rate of three pounds per centum per annum, in respect of the said principal sum of five hundred thousand pounds, residue of the said principal sum of two millions, shall commence and be computed from the fifth day of January which shall be in the year of our Lord one thousand seven hundred and fifty seven, and shall from time to time be paid half-yearly on the fifth day of July and the fifth day of January, by even and equal portions; the first payment thereof to be due and payable for the half-year ended the fifth day of July which shall be in the year of our Lord one thousand seven hundred and fifty seven.

Cashier to give  
receipts for  
money paid in,  
the same made  
assignable.

IV. And be it further enacted by the authority aforesaid, That the said cashier or cashiers, who shall have received, or shall receive any part of the sums so paid by way of deposit, or otherwise, in respect of the said annuities, after the rate of three pounds ten shillings per centum per annum, shall forthwith give receipts in writing, signed by himself or themselves, to every such contributor for all such sums, and that the receipts to be given for any sums paid in respect of the said annuities, after the rate of three pounds ten shillings per centum per annum, shall be assignable by indorsement thereupon made at any time before the thirtieth day of October one thousand seven hundred and fifty six, and no longer.

Cashier to give  
security;

and to pay in  
the monies in-  
to the exche-  
quer.

V. Provided always, That such cashier or cashiers shall give security to the good liking of any three or more of the commissioners of the treasury now being, or the high treasurer or any three or more of the commissioners of the treasury for the time being, for duly answering and paying into the receipt of his Majesty's exchequer for the publick use, all the monies which they shall have already received by way of deposit, or otherwise, or shall hereafter receive, from time to time, of or for the said sum of two millions, and for accounting duly for the same, and for performance of the trusts hereby imposed; and shall, from time to time, so pay all such monies as soon as they shall receive the same, or any part thereof, or within five days afterwards at the farthest, and shall account for all monies so received by him or them, in the exchequer, according to the due course thereof, deducting thereout such sums as shall have been paid by him or them in pursuance of this act, in manner herein after mentioned; for which sums so paid, allowance shall be made in his or their accounts.

Treasury to  
apply the mon-  
ies to the ser-  
vices voted by  
the commons.

VI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners of his Majesty's treasury now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, from time to time, to issue and apply all such sums of money

money as shall so be paid into the receipt of his Majesty's exchequer by the said cashier or cashiers, to such services as shall then have been voted by the commons of Great Britain in this session of parliament.

VII. And be it further enacted by the authority aforesaid, Contributors That in the office of the accomptant general of the said governor names to be and company of the bank of England for the time being, there entered in a shall be provided and kept a book or books, in which shall be book; fairly entered the names of all such contributors as aforesaid; and it shall and may be lawful for the said respective contribu- the sum to be tors, their executors, administrators, successors, and assigns, inspected from time to time, at all seasonable times, to have resort to and gratis. inspect the said book or books, without any fee or charge; and that the said accomptant general for the time being, shall, on or before the twenty fifth day of March one thousand seven hundred and fifty eight, transmit an attested duplicate, fairly written on paper, of the said book or books, into the office of the auditor of the receipt of his Majesty's exchequer, there to remain for ever.

VIII. And it is hereby enacted by the authority aforesaid, Contributors That all such contributors, duly paying the whole sums by making good them respectively subscribed, at or before the respective days their pay- and times in this act before limited in that behalf, their respec- ments, to have tive executors, administrators, successors and assigns, shall have, fire estates in receive and enjoy, their proportional share of the respective annuities of three pounds ten shillings *per centum per annum*, and three pounds *per centum per annum*, out of the monies by this act herein after appropriated for payment thereof, and shall have good and sure estates and interests therein for ever; subject nevertheless to the proviso of redemption in this act herein after contained, concerning the same respectively.

IX. And be it further enacted by the authority aforesaid, Contributors That all such contributors, their executors, administrators, suc- making their cessors and assigns, paying in the whole, or any part of the payments pre- sums by them subscribed respectively, previous to the days ap- vious to the pointed for the respective payments herein before directed, as times limited, well in respect to their proportional share of the said sum of one to be allowed million five hundred thousand pounds, as of the said sum of interest for the five hundred thousand pounds, shall be intitled to an allowance same, &c. of so much money, as the interest of the several sums so previously paid, after the rate of three pounds *per centum per annum* shall amount to, from the days on which such previous payments shall have been actually made, to the respective times on which such payments are directed to be made; such allowance to be paid by the said cashier or cashiers, out of the monies contributed towards the said sum of two millions, as soon as such respective contributors, their executors, administrators, successors and assigns, shall have completed their payments herein before directed to be made; and that as soon as any contributors, their executors, administrators, successors and assigns, shall have completed their payments of the whole purchase money, payable

Anno vice millesimo nonagesimo octavo [1736]

by them respectively for any such annuities after the rate of three pounds ten shillings *per centum per annum*, the principal sum or sums by them subscribed and paid for the purchase of such annuities, shall forthwith be placed to the credit of the said contributors, their executors, administrators, successors and assigns, completing the said payments, and made transferrable in the books of the bank of *England*, to be kept for that purpose.

**Contributors  
not making  
good their  
payments to  
forfeit their  
deposits.**

X. Provided always, That in case any such contributors who have already deposited with, or paid to the said cashier or cashiers, any sum or sums of money, at the times and in the manner before-mentioned, in part of the sums so by them subscribed, or their respective executors, administrators, successors or assigns, do not advance and pay to the said cashier or cashiers, the residue of the sums so by them subscribed, at the times and in the manner before-mentioned, then and in every such case, so much of the sum so subscribed as shall have been actually paid in part thereto to the said cashier or cashiers, shall be forfeited for the benefit of the publick; any thing in this act contained to the contrary thereof in any wise notwithstanding.

**Annuities, &c.  
charged on  
the sinking  
fund.**

XI. And be it further enacted by the authority aforesaid, That the several annuities which by this act are granted and made payable, in respect of the sum of one million five hundred thousand pounds, part of the said sum of two millions, as in respect of the sum of five hundred thousand pounds, being the residue of the said two millions, until redemption thereof by parliament in manner herein after-mentioned, shall be charged and chargeable upon, and payable out of, the monies which shall, from time to time, arise and be remaining in the receipt of his Majesty's exchequer, of or for the surplusses, excesses, overplus monies, and other revenues, composing the fund, commonly called *The Sinking Fund*; and the said surplusses, excesses, overplus monies, and other revenues, are hereby appropriated for that purpose accordingly.

**Managers and  
directors of  
the lottery to  
be appointed  
by the trea-  
sury.**

XII. And for establishing a proper method for drawing the said lottery; be it further enacted by the authority aforesaid, That such persons as the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being shall appoint, shall be managers and directors for preparing and delivering out tickets, and to oversee the drawing of lots, and to order, do, and perform, such other matters and things as are hereafter in and by this act directed and appointed by such managers and directors to be done and performed; and that such managers and directors shall meet together, from time to time, at some publick office or place for the execution of the powers and trusts in them reposed by this act; and that the said managers and directors, or so many of them as shall be present at any such meeting, or the major part of them, shall cause books to be prepared, in which every leaf shall be divided or distinguished into three columns, and upon the innermost of the said three columns, there shall be printed

**Books to be  
prepared with  
three columns,  
in each of**

printed fifty thousand tickets, hereby intended to be made forth, which 50,000 tickets to be printed. to be numbered, one, two, three, and so onwards, in an arithmetical progression, where the common excess is to be one, until they rise to and for the number of fifty thousand ; and upon the middle column in every of the said books, shall be printed fifty thousand tickets, of the same breadth and form, and numbered in like manner ; and in the extream column of the said books there shall be printed a third rank or series of tickets, of the same number with those of the other two columns ; which Tickets to be tickets shall severally be of an oblong figure ; and in the said of an oblong books shall be joined with oblique lines, flourishes, or devices, joined with in such manner as the said managers and directors, or the major part of them, shall think most safe and convenient ; and that every ticket in the third or extream column of the said books, shall have written or printed thereupon (besides the number of such ticket, and the present year of our Lord Christ) words to this effect :

*The bearer hereof is intitled to six pounds, part of the joint stock of annuities, after the rate of three pounds per centum per annum, transferrable at the bank of England, or to a better chance.*

Managers to examine the books with the tickets, and deliver them to the cashier. Cashier to give a ticket for every sum of 10l. paid in. Cashier to redeliver the books to the managers, by 6 Nov. and account for the sums received. Tickets undisposed of to be returned into the exchequer. Tickets of the middle columns to be rolled up, and tied, and cut off indentwise into a box marked (A). Box to be locked and sealed. Books to be prepared with two columns, on each of which 50,000 tickets to be printed. 6,500 fortunate. 2 of 10,000l. 3 of 5,000l. 6 of 2,000l. 17 of 1,000l. 29 of 500l. 142 of 100l. 626 of 50l. 5675 of 20l. 500l. to the first drawn ticket, and 1000l. to the last. 43,500 blank tickets, at the rate of 6l. Tickets of the outermost columns to be rolled up and tied, and cut out indentwise, into a box marked (B). Publick notice to be given of times of cutting the tickets into the boxes. The lottery to begin drawing 22 Nov. After each day's drawing the boxes to be locked up and sealed. Numbers of the fortunate tickets, and the sums, to be printed. Disputes relating thereto, to be adjusted by the managers. Penalty of forging tickets or certificates, felony. Cashier may give receipts for monies paid in, before he receives the tickets. Adventurer not paying his whole consideration money, shall lose the advanced money. Managers, &c. to be paid by the commissioners of the treasury out of the lottery money. Guardians may adventure infants money in the lottery. Limitation of sale of chances, &c. Persons selling shares in tickets of which they are not possessed, to forfeit 500l.

XXVI. And be it further enacted by the authority aforesaid, Offences committed against any of the acts of parliament made mitted in Ireland, for preventing private and unlawful lotteries, shall be committed in Ireland, the offender shall incur the like penalty and punishment, to be inflicted in like manner, as if the offence was committed in this kingdom ; and that such penalties, declared by any the said acts are directed to be recovered in any of his Majesty's courts of record at Westminster shall, in case of offenders committed against any of the said acts in Ireland, be recovered in any of his Majesty's courts of record at Dublin. After A a a

and may be sued for in Dublin.

After the drawing of the lottery, the tickets to be exchanged for certificates. Accomptant general to give credit for the principal sums in the certificates. Assignments may be made of the said sums, &c. Certificates to be filed and cancelled, and notes to be given in lieu thereof.

**XXX.** And for the more easy and sure payment, as well of the said annuities after the rate of three pounds ten shillings *per centum per annum*, as of the said annuities after the rate of three pounds *per centum per annum*, be it enacted by the authority aforesaid, That the said governor and company of the bank of England, and their successors, shall, from time to time, until the said respective annuities shall be redeemed according to this act, appoint and employ one or more sufficient person or persons within their office in the city of London, to be their first or chief cashier or cashiers, and one other sufficient person in the said office to be their accomptant general; and that so much of the monies by this act appropriated for this purpose, as shall be sufficient, from time to time, to answer the said several and respective annuities, and other payments herein directed to be made out of the said monies, shall, by order of the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, without any further or other warrant to be sued for, had or obtained in that behalf, from time to time, at the respective days of payment in this act before appointed for payment thereof, to be issued and paid at the receipt of his Majesty's exchequer to the said first or chief cashier or cashiers, by way of imprest, and upon account, for the payment of the said several and respective annuities payable by virtue of this act; and that all and every such cashier and cashiers, to whom the said monies shall, from time to time be issued, shall, from time to time, without delay, pay the same accordingly, and render his or their accounts thereof, according to the due course of the exchequer.

A chief cashier, and accomptant general, to be appointed by the bank for paying the annuities.

Treasury to issue monies for that purpose to the said cashier.

who is to account for the same.

Accomptant general to examine the receipts and payments of the cashier. Annuities deemed a personal estate, &c. and to be tax free.

The three and half per cent. annuities deemed a joint stock;

**XXXI.** And it is hereby also enacted, That the said accomptant general for the time being shall, from time to time, inspect and examine all receipts and payments of the said cashier or cashiers, and the vouchers relating thereunto, in order to prevent any fraud, negligence or delay; and that all persons who shall be intitled to any of the said several and respective annuities, and all persons lawfully claiming under them, shall be possessed thereof as of a personal estate, and that the same shall not be descendable to the heir, and shall be free from all taxes, charges and impositions whatsoever, and shall not be liable to any foreign attachment by the custom of London, or otherwise; any law, statute or custom to the contrary in any wise notwithstanding.

**XXXII.** And be it further enacted by the authority aforesaid, That the said sum of one million five hundred thousand pounds, part of the said sum of two millions, on which the said annuities, after the rate of three pounds ten shillings *per centum per annum*, shall be attending, shall be deemed one capital or joint stock;

stock; and that all persons and corporations whatsoever, in proportion to the monies by them severally advanced, for the purchase of the said annuities after the rate of three pounds ten shillings *per centum per annum*, or to which they shall become intitled, by virtue of this act, shall have and be deemed to have, a proportional interest and share in the said stock and in the annuities attending the same, at the rate aforesaid; and that the said whole capital or joint stock, or any share or interest therein, and made in, and the proportional annuity attending the same, shall be assignable and transferrable as this act directs, and not otherwise.

XXXIII. And be it further enacted by the authority aforesaid, That all the monies to which any person or persons shall become intitled by virtue of this act, in respect of any sum advanced or contributed towards the said sum of five hundred thousand pounds, on which the said annuities after the rate of three pounds *per centum per annum*, shall be attending, shall be value, incorporated to be made a joint stock with annuities of like value, added to the joint stock of annuities transferrable at the bank of England, into which the several sums carrying an interest after the rate of three pounds *per centum per annum*, were by an act made in the twenty-fifth year of the reign of his present Majesty, converted, and shall be deemed part of the said joint stock of annuities; subject nevertheless to a redemption by parliament, in such manner, and upon such notice, as is in the said act directed in respect of the several and respective annuities redeemable by virtue of the said act; and that all and every person and persons and corporations whatsoever, in proportion to the money to which he, she, or they shall become intitled as aforesaid by virtue of this act, shall have and be deemed to have, a proportional interest and share in the said joint stock of annuities at the rate aforesaid.

XXXIV. And be it further enacted by the authority aforesaid, That there shall be constantly kept by the accomptant general to be kept by for the time being, books wherein all assignments or transfers of the capital or joint stock of annuities after the rate of three pounds ten shillings *per centum per annum*, and also all assignments or transfers of the said annuities after the rate of three pounds *per centum per annum*, shall at all seasonable times be entered and registered; which entries shall be conceived in proper words for that purpose, and shall be signed by the parties making such assignments or transfers, or if such parties be absent, by their respective attorney or attorneys thereunto lawfully authorized in writing under their hands and seals, to be attested by two or more credible witnesses, and that the several persons to whom such transfers shall be made, do respectively underwrite their acceptance thereof; and that no other method of assigning and transferring the said several annuities, or any part thereof, or any interest, shall be good and available in law.

XXXV. Provided always, That all persons possessed of any interest in either of the said joint stocks or annuities, or viceable by any estate or interest therein, may devise the same by will in writing,

Entry to be made of such clause.

Transfer not liable to stamp duties.

Treasury to pay all incident charges,

and to make an allowance to the cashier, and accomptant general;

to be at the disposal of the bank.

Officers taking any fee in the course of their business, forfeit 20 l.

The annuities at 3l. 10s. per cent. not redeemable till after the expiration of 15 years, &c.

writing, attested by two or more credible witnesses; but that no payment shall be made on any such devise, till so much of the said will as relates to the said joint stocks of annuities be entered in the said office; and in default of such transfer or devise, such share or interest in the said joint stock of annuities shall go to the executors or administrators; and that no stamp duties whatsoever shall be charged on the said transfers, or any of them; any other law or statute to the contrary notwithstanding.

XXXVI. Provided always, and be it enacted by the authority aforesaid, That out of the monies arising from the contributions towards raising the said sum of two millions, the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall have power to discharge all such incident charges as shall necessarily attend the execution of this act, in such manner as to them shall seem just and reasonable; and also to settle and appoint such allowances as they shall think just and reasonable for the service, pains and labour of the said cashier or cashiers, for receiving, paying and accounting for the said contributions; and also shall have power to make out of the said sinking fund, such further allowances as they shall think just and reasonable, for the service, pains and labour of the cashier or cashiers of the governor and company of the bank of *England*, for receiving, paying and accounting for the several and respective annuities payable by virtue of this act; and also for the service, pains and labour of the accomptant general of the said governor and company, for performing the duty and trust incumbent on him by this act; all which allowances hereby empowered to be made as aforesaid, in respect to the service, pains and labour of any officer or officers of the said governor and company, shall be for the use and benefit of the said governor and company, and at their disposal only; any thing herein contained to the contrary notwithstanding.

XXXVII. And be it hereby enacted by the authority aforesaid, That no fee or gratuity shall be demanded or taken of any of his Majesty's subjects, for receiving or paying the said contribution monies, or any of them, or for any tallies or receipts concerning the same, or for issuing the monies for paying the said several annuities, or any of them; and that no fee or gratuity shall be demanded or taken for any transfer, great or small, to be made in pursuance of this act, upon pain that the officer or person offending, by taking or demanding any such fee or gratuity contrary to this act, shall forfeit the sum of twenty pounds to the party grieved, to be recovered with full costs of suit in any of his Majesty's courts of record at *Westminster*.

XXXVIII. Provided also, and it is hereby enacted by the authority aforesaid, That at any time after the expiration of fifteen years, to be computed from the eleventh day of *February* one thousand seven hundred and fifty six, and not sooner, upon six months notice to be printed in the *London Gazette*, and affixed upon the *Royal Exchange* in *London*, by authority of parliament,

ment, and upon repayment by parliament of the whole principal sum of one million five hundred thousand pounds, for which the said annuities after the rate of three pounds ten shillings *per centum per annum* are payable, to such respective persons or corporations as shall be intitled to the same annuities, or upon the like repayment by parliament of any part of the said sum of one million five hundred thousand pounds, so as such part of the sum so paid at any one time, be not les than five hundred thousand pounds, and also upon full payment of all arrearages of the same annuities; then, and not till then, the said annuities shall cease and determine, and be understood to be redeemed; and that any vote or resolution of the house of commons, signified by the speaker in writing, to be inserted in the *London Gazette*, and affixed on the *Royal Exchange* in *London* as aforesaid, shall be deemed and adjudged to be sufficient notice, within the words and meaning of this act.

**XXXIX.** Provided always, and it is hereby enacted by the Bank to con-  
authority aforesaid, That the said governor and company of the time a corpo-  
bank of *England*, and their successors, notwithstanding the re-  
demption of all or any their own funds in pursuance of the said  
acts for establishing the same, or any of them, shall continue a  
corporation till all the said several annuities shall be redeemed  
by parliament, according to the provisoes herein before contained  
in that behalf; and that the said governor and company, or any  
member thereof, shall not incur any disability for or by reason  
of their doing any matter or thing in pursuance of this act.

**XL.** And it is hereby enacted by the authority aforesaid, *Limitation of actions.*  
That if any person or persons shall at any time or times be sued  
or prosecuted for any thing by him or them done or executed  
in pursuance of this act, or of any matter or thing in this act  
contained, such person or persons shall and may plead the general issue,  
and give the special matter in evidence for his or their *General issue.*  
defence; and if upon the trial a verdict shall pass for the de-  
fendant or defendants, or the plaintiff or plaintiffs shall become  
nonsuited, then such defendant or defendants shall have treble  
costs to him or them awarded against such plaintiff or plain- *Treble costs.*  
tiffs.

### C A P. VIII.

*An act to repeal a clause in an act made in the twenty-sixth  
year of his present Majesty, intituled, An act to oblige  
ships more effectually to perform their quarantine; and  
for the better preventing the plague being brought  
from foreign parts into Great Britain or Ireland, or the  
isles of Guernsey, Jersey, Alderney, Sark or Man, whereby  
the stationing of ships infected with the plague, to the north-  
ward of Cape Finisterre, is confined to the harbour of  
New Grimsby, and removeable to no other place, and*

Anno viceimi. h[ab]o GEORGI[us] II. C[on]G[ressu]s [1735.]  
for appointing a more safe and commodious place instead  
thereof.

26 G. 2. c. 6.  
s. 2.

**W**HÈREAS by an act of parliament made and passed in the twenty-sixth year of the reign of his present Majesty, intituled, An act to oblige ships more effectually to perform quarantine; and for the better preventing the plague being brought from foreign parts into Great Britain or Ireland, or the isles of Guernsey, Jersey, Alderney, Sark or Man; it is (amongst other things) enacted, That if the plague shall appear on board any ship, being to the northward of Cape Finisterre, the master, commander, or other person, having charge thereof, shall immediately proceed to the harbour of New Grimsby, in the islands of Scilly, and there shall remain till intelligence thereof shall be communicated in manner as therein mentioned, to one of his Majesty's principal secretaries of state, and his Majesty's pleasure be known therein: and whereas it now appears that the said harbour of New Grimsby is an improper and dangerous place for the reception of ships and vessels infected with the plague, by reason that the same lies between the islands of Tresco and Bryer, both fully inhabited: and whereas there is another harbour in the said islands of Scilly, called Saint Helen's Pool, which is safe and commodious for the reception of ships and vessels, and being situate between three uninhabited islands, is a more proper place for the stationing of ships infected with the plague, than the harbour of New Grimsby: be it therefore enacted by the King's most excellent majesty, by and and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That the said clause in the above-mentioned act, whereby the stationing of ships infected with the plague, to the northward of Cape Finisterre, is confined to the harbour of New Grimsby, and removable to no other place, shall, from and after the passing of this present act, be, and is hereby declared to be, and stand totally repealed to all intents and purposes.

The recited  
clause repeal-  
ed.

Vessels infect-  
ed, being to  
the northward  
of Cape Fini-  
sterre, to pro-  
ceed to St.  
Helen's Pool,  
and perform  
quarantine,  
&c.

II. And be it further enacted by the authority aforesaid, That from and after the said passing of this present act, if the plague shall appear on board any ship or vessel, being to the northward of Cape Finisterre, the master, commander, or other person, having the charge of such ship or vessel, shall immediately proceed to the harbour of Saint Helen's Pool, between the uninhabited islands of Saint Helen's, Tean, and North Withell, or to such other place as his Majesty, his heirs or successors, by and with the advice of his or their privy council, shall from time to time direct and appoint, and shall there remain in like manner, and subject to the like orders, provisions, restrictions and regulations, and subject to the like penalties for disobedience, as are enacted, provided and inflicted by the aforesaid act, with respect to ships infected with the plague, proceeding to the harbour of New Grimsby; and that the custom-house officers shall send intelligence to one of his Majesty's principal secretaries of state, of all ships or vessels infected with the plague coming into the said harbour.

Custom-house  
officer to send  
notice thereof

1756.] Anno vicecenti' nono GEORGI II. c. 9.

301

harbour of *Saint Helen's Pool*, or such other place as shall by his to the secret-  
Majesty, his heirs or successors, by and with the advice of his <sup>tary of state.</sup>  
or their privy council, be directed and appointed, in such and  
the like manner as they are by the said act obliged and required  
to do, with regard to ships so infected, coming into the said  
harbour of *New Grimsby*.

### C A P. IX.

*An act for establishing a fund for payment of the bonds of  
the governor, bailiffs and commonalty of the company of  
conservators of the great level of the fens, called Bed-  
ford Level; and for exchanging the present bonds of the  
said corporation for other bonds, payable out of the reve-  
nues of the middle and south levels, part of the said great  
level; and for enabling the said corporation to borrow  
further sums, for the use of the said great level.*

W H E R E A S by an act of parliament made in the fifteenth  
year of the reign of King Charles the Second, intituled, An  
act for settling the draining of the great level of the fens, call-  
ed *Bedsford Level*, taking notice that Francis earl of Bedford, ac-  
cording to a law of sewers, made at King's Lynn in the sixth year  
of the reign of King Charles the First, had undertaken the draining  
of the said great level, situate within the counties of Northampton,  
Norfolk, Suffolk, Lincoln, Cambridge and Huntingdon, and  
the isle of Ely, and bounded as in the said act is particularly men-  
tioned and described; and that be the said earl, was to have for his  
recompence ninety five thousand acres of the grounds within the said  
level, with convenient highways and passages to the same; and that  
William earl of Bedford, son and heir of the said earl Francis,  
with divers of his adventurers and participants, had proceeded in  
the completing and finishing of the said works; but that the same  
could not be preserved without constant care, great charge, and order-  
ly government; it was therefore amongst other things, enacted, That  
the said William earl of Bedford, and the adventurers and parti-  
cipants of the said earl Francis and earl William or either of them,  
their heirs and assigns, in such manner as in the said act is contain-  
ed, should be a body politick and corporate, in deed and name, and have  
succession for ever, by the name of The governor, bailiffs and  
commonalty of the company of conservators of the great level  
of the fens; with power to lay taxes upon the said ninety five thou-  
sand acres only (twelve thousand acres whereof had been designed and  
intended for his late majesty King Charles the First, and had been  
set forth and allotted by bounds in severality) for the support, main-  
tenance and preservation of the said great level, and to levy the same  
with penalties for non-payment, and to do all other things in order to  
the support, maintenance and preservation of the said great level and  
works made, and to be made, in such manner as in the said act is  
meant: and whereas by another act made in the twentieth year of  
the reign of King Charles the Second, intituled, An act for the

20 Car. 2. c. 17.

20 Car. 3. c. 8.

tax-

taxing and assessing of the latids of the adventurers within the great level of the fens, it was enacted, That eighty three thousand acres, parcel of the said ninety five thousand acres, should from time to time be taxed and assessed by a gradual acre tax, of different sorts and values of lands; and that the said twelve thousand acres, residue of the said ninety five thousand acres, should be rated at a medium of the whole tax, to be from time to time assessed upon the said ninety five thousand acres: and to the end, that the said eighty three thousand acres might be more equally taxed by a gradual tax, certain persons in the same act named, were appointed surveyors and valuers of the said eighty three thousand acres; and were within the time limited by the said act, to digest the said eighty three thousand acres into a number of sorts and degrees, not under the number of seven sorts and degrees, and to rate and tax such degrees, and digest the same into schedules in writing, and make returns thereof, upon their oaths, into the fen office, in such manner as by the said act is prescribed: and whereas by valuations made by the several persons appointed by the said act of the twentieth of King Charles the Second, and duly returned into the office of the said corporation in London, the said eighty three thousand acres were set out and digested into eleven different sorts and degrees of land, and the several sums to be rated and assessed upon each of the said sorts and degrees, as their respective proportions of the taxes to be paid to the said corporation, were by the said valuations settled and limited; and the said eighty three thousand acres have always since been taxed by a gradual acre-tax, according to the degrees and proportions so set out and allotted, and the said twelve thousand acres at a medium of such tax; a single tax upon the said eighty three thousand acres, together with the produce of a proportionable tax upon the said twelve thousand acres, amounting to the sum of five thousand and fifty one pounds seven shillings and two pence: and whereas by another act made in the twenty seventh year of

<sup>Geo. 2. c. 9.</sup> the reign of his present Majesty, intituled, An act for discharging the corporation of the governor, bailiffs and commonalty, of the company of conservators of the great level of the fens, commonly called *Bedsford Level*, from a debt due to the duke of *Bedsford* and earl of *Lincoln*; and for enabling the proprietors of lands in the north level, part of the said great level, to raise money to discharge the proportion of the said north level in the debts of the said corporation; and for ascertaining and appropriating the taxes to be laid on the said north level; and for the more effectual draining and preserving the said north level, and divers lands adjoining thereto, in the manor of *Crowland*; taking notice (amongst other things) that at a court of the said corporation, held the tenth day of March one thousand six hundred and ninety seven, the said corporation declared that the said great lev~~e~~l should be distinguished by the several names of the North Level, Middle Level and South Level; and also taking notice that the said corporation, in order to support and preserve the several works for draining the said great level, had been obliged to borrow money, and contracted debts, amounting in the whole, to the sum of forty nine thousand one hundred and fifty three pounds eleven shillings and nine pence; it was amongst

amongst other things, enacted, That the said governor, bailiffs and commonalty of the company of conservators of the said great level of the fens, and their successors, and all and every the lands, taxes, rents and revenues, of the said corporation, should be absolutely discharged from the sum of eighteen thousand nine hundred and thirteen pounds eleven shillings and nine pence, (part of the said debt of forty nine thousand one hundred and fifty three pounds eleven shillings and nine pence) due and owing to the most noble John duke of Bedford, and the right honourable Henry earl of Lincoln, who are the owners of the greatest part of the lands lying within the said north level; and that the sum of one thousand eight hundred pounds, to be raised from the taxable lands, lying within the said north level, in the manner by the said act directed, should, when raised, be applied in discharge of the proportion of the said north level of and in the residue of the said debt of forty nine thousand one hundred fifty three pounds eleven shillings and nine pence: and it was by the said last mentioned act also further enacted and declared, That the taxes chargeable by virtue of the said acts of the fifteenth and twentieth years of King Charles the Second, upon the taxable lands within the said north level, should be always thereafter, fixed and settled upon so much thereof as shall be part of the said eighty three thousand acres, at a tax and a quarter, and on so much thereof as shall be part of the said twelve thousand acres, in proportion thereto, according to the said act of the twentieth of King Charles the Second, and should not be lessened or increased under any pretence whatsoever; and that all the money which should arise or be produced by the said taxes, within the said north level, and all other the rents and revenues arising and payable to the said corporation by, from or out of the said north level, or any part thereof, should from thenceforth be applied and disposed of by the said governor, bailiffs and commonalty, and their successors, in and about the several banks and works of the said north level, in the said act particularly mentioned, and to and for no other purpose whatsoever; and that the said north level, and all and singular the lands, tenements, rents, taxes and revenues thereof, should be freed, exonerated and discharged, of and from the residue of the said debt of forty nine thousand one hundred and fifty three pounds eleven shillings and nine pence, and all interest payable for and in respect thereof; and that the said north level, or the lands, tenements, rents, revenues and taxes thereof, or of any part thereof, should not be subject or liable to the payment of any debt, or sum or sums of money, which should at any time thereafter be contracted, taken up or borrowed by the said corporation, for or on account of the said middle or south levels or either of them; and also that the said middle and south levels or either of them, or the lands, tenements, rents, revenues and taxes of them or either of them, should not be subject or liable to the payment of any debt, or sum or sums of money whatsoever, which should at any time thereafter be contracted, taken up or borrowed by the said corporation, on account of the said north level: and whereas the sum of one thousand eight hundred pounds, has been raised and applied in pursuance of the said act of the twenty seventh year of his present Majesty's reign; and the said corporation have also since the making

making of the said last mentioned act, paid off the sum of one thousand pounds, in further part of the said debt of forty nine thousand one hundred and fifty three pounds eleven shillings and nine pence, over and besides the said sum of one thousand eight hundred pounds, raised and applied as aforesaid; whereby the debt of the said corporation is reduced to the sum of twenty seven thousand four hundred and forty pounds: and whereas the said debt of twenty seven thousand four hundred and forty pounds is secured by bonds, under the seal of the said corporation, who have thereby bound and obliged themselves to pay the several sums mentioned in the said respective bonds; and inasmuch as the said sum of twenty seven thousand four hundred and forty pounds is, by the said act of the twenty seventh year of his present Majesty, become a charge upon the said middle and south levels only, it is become necessary to exchange the bonds for securing the said debt, and to mention in the new bonds, to be given for that purpose, that the money so to be secured, is due from the said middle and south levels only: and whereas doubts have arisen amongst the creditors of the said corporation, concerning the securities they now have for their respective debts, by reason that the said corporation have it in their power, under the before mentioned acts of the fifteenth and twentieth of King Charles the Second, either to tax such parts of the said ninety five thousand acres as lie within the said middle and south levels, with very small taxes, or not to tax the same at all, whereby the fund for the payment of the debts due to the said creditors, may become deficient: and whereas the said corporation may have occasion to borrow further sums of money, for the support and preservation of the said great level; and it will be necessary to distinguish in all future bonds to be entered into by the said corporation, whether the money borrowed upon such bonds, be for or on account of the said middle and south levels, or for or on account of the said north level: to the end therefore that a sufficient fund may be at all times hereafter raised and secured for payment of the bonds of the said corporation; and that the bonds given by the said corporation for the said sum of twenty seven thousand four hundred and forty pounds, may be exchanged as aforesaid; and that the said corporation may be enabled to borrow such further sums, as shall be necessary for the support and preservation of the said great level; and that distinct bonds may be given for the money which shall be so borrowed upon account of the said middle and south levels, and upon account of the said north level; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That during such time as any debt or sum of money shall be due and owing from or upon account of the said middle and south levels, all such parts of the said eighty three thousand acres, as lie within the said levels or either of them, shall yearly and every year be, and the same are hereby rated, taxed, charged and assessed, by and with a single graduated acre-tax; and such parts of the said twelve thousand acres as lie within the said middle or south levels, with a medium of

A single tax  
to be laid up-  
on the middle  
and South  
Levels, dur-  
ing the con-  
tinuance of  
any debt  
thereon.

such single gradual acre-tax, according to the said act of the twentieth of King *Charles* the Second, and the valuations made in pursuance thereof.

II. Provided always, That it shall be lawful for the governor, bailiffs and conservators, of the said corporation, from time to time, to rate, tax, charge or assess, all such parts of the said eighty three thousand acres, and twelve thousand acres, as lie within the said middle or south levels, with any farther tax, which they the said governor, bailiffs and conservators shall judge necessary, in the same manner as they might have done before the making of this act.

III. And be it further enacted, That in lieu of the bonds heretofore given by the said corporation, for securing the payment of the said debt of twenty seven thousand four hundred and forty pounds, to the said governor, bailiffs and conservators, or any five or more of them, whereof the said governor or bailiffs, or any of them, to be two, shall give other bonds under the common seal of the said corporation, for the respective sums due to the person or persons possessed of such bonds, mentioning in the bonds so to be given, that the money secured thereby, is due and owing upon account of the said middle and south levels; and all and singular the rents, taxes and revenues, of the said middle and south levels, shall be, and they are hereby declared to be, a security for, and shall be charged and chargeable with the payment of the sums mentioned in such bonds, and all interest due, and to become due thereupon.

IV. And to the end, that the said corporation may be at all times enabled to raise such sums of money as shall be necessary for the support and preservation of the said great level, and for defraying the other necessary expences attending the same; be it further enacted, That it shall be lawful for the said governor, bailiffs and conservators, or any seven or more of them, whereof the said governor or bailiffs, or any of them, to be two, with the consent of the duke of *Bedsford*, his heirs or assigns, lord or lords, lady or ladies, of the manor of *Thorney*, and of the earl of *Lincoln*, his heirs or assigns, owner or owners of *High* and *Low Borough* fen, from time to time to borrow upon bonds, under the common seal of the said corporation, such sum or sums of money, as they the said governor, bailiffs and conservators, or any seven or more of them, as aforesaid, shall judge necessary, for the use of the said north level, not exceeding in the whole the sum of five thousand pounds; declaring in such bonds, that the money secured thereby, is due and owing upon account of the said north level; and also any sum or sums of money, which they the said governor, bailiffs and conservators, or any seven or more of them, as aforesaid, shall judge necessary, for the use of the said middle and south levels, or either of them, so as by the borrowing of such sum or sums, the debt of the said corporation upon account of the said middle and south levels, be not at any time made to exceed in the whole, the sum of thirty two thousand pounds; declaring in the bonds to be given for

New bonds to  
be given in  
lieu of the  
bonds for the  
present debt.

Corporation  
impowered to  
borrow for  
the use of  
the north le-  
vel, not ex-  
ceeding 5000l.

and any sum  
for the middle  
levels, so as  
to not exceed  
the whole debt  
of 52,000l.

for such sum or sums, that the money secured thereby is due and owing upon account of the said middle and south levels : and the respective rents, taxes and revenues of the said north level, and of the said middle and south levels, shall be, and they are hereby made a security for repayment of the sums so respectively to be borrowed, with legal or less interest for the same, as shall be agreed upon between the said corporation, and the person or persons lending such money ; but no money to be borrowed upon account of the said north level shall be charged or chargeable upon any of the rents, taxes or revenues of the said middle and south levels, or either of them ; nor shall any money to be borrowed on account of the said middle and south levels be charged or chargeable upon any of the rents, taxes or revenues of the said north level, or any part thereof.

Money bor-  
rowed for the  
north level,  
not to be  
chargeable on  
the middle  
and south  
levels ; and  
*vice versa.*

Bonds to be  
numbered ;  
and none to  
be for more  
than 100l.

To be trans-  
ferrable with-  
out stamps.

Assignments  
to be entered  
by the register.

Money raised  
by the corpo-  
ration upon  
the taxable  
lands in the  
respective  
levels how to  
be applied.

V. Provided always, and be it enacted, That all bonds to be hereafter given by the said corporation shall be numbered, beginning with number one, and so proceeding in arithmetical progression ; and that no bond shall be given for any greater or less sum than one hundred pounds.

VI. And be it further enacted, That all bonds to be given by the said corporation shall be transferrable or assignable by indorsement upon the original bond, without stamps, to any person or persons whomsoever ; and such transfer or assignment being produced to the register of the said corporation, and by him entered in a book to be kept for that purpose, (which entry the said register is hereby required to make upon request, the person producing such transfer or assignment paying the sum of two shillings and six pence for every such entry) shall intitle the person or persons to whom such transfer or assignment shall be made, his, her or their executors, administrators or assigns, to the money secured by such bond, and all interest due or to grow thereupon : and such assignee or assignees may in like manner, by indorsement without stamp, assign and transfer such bond or bonds so assigned as aforesaid ; and so *toties quoties*, as occasion shall require ; every such assignment being entered in such book as aforesaid.

VII. And be it further enacted, That all and singular the rents, taxes and sums of money to be received, raised or levied by the said corporation, from, upon or upon account of such part of the said ninety five thousand acres as lie within the said north level, shall be charged and chargeable, in the first place, with the payment of sum sums of money as shall at any time hereafter be borrowed by the said corporation upon account of the said north level, and the interest of such sums ; any thing in the said act of the twenty seventh year of his present Majesty's reign to the contrary thereof in any wise notwithstanding : and that all and singular the rents, taxes and sums of money to be received, raised or levied by the said corporation, from, upon or upon account of such part of the said ninety five thousand acres as lie within the said middle and south levels, or either of them, shall be charged and chargeable, in the first place, with the

the payment of the aforesaid debt of twenty seven thousand four hundred and forty pounds, and of such other sums of money as shall be borrowed upon account of the said middle and south levels, and of the interest of such debt, and sums of money: and the receiver of the said corporation is hereby empowered and required, out of the first money which shall from time to time come to his hands, arising from the rents, taxes and revenues of the said north level, to pay the interest of such bonds as shall be entered into upon account of the said north level, and also the principal money due upon such bonds, upon six months notice left for that purpose at the office of the said corporation in *London*, by the person or persons possessed of such bonds; and the said receiver is also hereby empowered and required, out of the first money which shall from time to time come to his hands, arising from the rents, taxes and revenues of the said middle and south levels, to pay the interest of such bonds as shall be entered into upon account of the said middle and south levels, and also the principal money due upon such bonds, upon like notice left at the office of the said corporation.

Bonds to be  
paid off upon  
fix months  
notice.

VIII. Provided always, and it is hereby enacted and declared, If not paid, revenues of the corporation to vest in the possessors of the bonds. That in case any of the bonds to be given by the said corporation, upon account of the said north level, or upon account of the said middle and south levels, shall not be paid by the said receiver, pursuant to such notice left or given as aforesaid, then the rents, taxes and revenues of the said north level, and of the said middle and south levels, shall respectively vest in the person or persons possessed of such bonds, until the same, together with all interest due thereupon, shall be fully satisfied and paid: and such person or persons, their executors, administrators or assigns, shall have the same power, rights and privileges, of recovering the said rents, taxes and revenues of the said north level, and of the said middle and south levels respectively, as the said corporation would have had, in case such bonds had been regularly and fully satisfied and paid.

IX. And be it further enacted, That a distinct account shall, Distinct account to be kept of the rents, taxes, revenues and counts to be sums of money, arising and payable to the said corporation with the said north level, and of all monies which shall be applied the respective and disposed of for the use or upon account of the said north levels. kept of the revenues of the middle and south levels, or any part thereof; and that a like account shall from time to time be kept of the rents, taxes, revenues and sums of money, arising and payable to the said corporation within the said middle and south levels, and of all monies which shall be applied and disposed of for the use or upon account of the said middle and south levels, or either of them.

X. And be it further enacted and declared, That this act shall Publick act. be deemed and allowed, in all courts within this kingdom, to be a publick act; and shall be judicially taken notice of as such, by all judges, justices and other persons, without specially pleading the same.

## C A P . X .

*An act for the better ascertaining, recovering and collecting certain duties payable upon the importation and exportation of goods and merchandizes into or out of the harbour of the town and county of Poole; and also of ballast and boomage duties, payable in respect of ships and vessels coming into and going out of the said harbour; and for the enlarging, better repairing and keeping in repair the said harbour, and the quays and wharfs; and for providing a proper place for keeping gunpowder in or near the said town; and for establishing and regulating a nightly watch; and enlightening the streets in the said town.*

**W**H E R E A S the mayor, bailiffs, burgesses and commonalty of the town and county of the town of Poole have, time out of mind, received and been intitled to receive certain duties called petty customs or wharfage, upon the importation and exportation of all goods and merchandizes into and out of the harbour of Poole aforesaid, from the owner, importer or exporter of such goods and merchandizes, and also certain other duties called boomage and ballast duty, from the masters or commanders of ships and vessels; which said several duties have been constantly under the management of the mayor, bailiffs and burgesses of the said town and county of the town of Poole, as trustees and managers; and the said duties have been applied for the repairing the said harbour, quays and wharfs, and other works necessary for the more convenient use of the same, within the said town and county: and whereas several persons have refused to pay the said duties, induced thereto by the great difficulties in supporting, by strict legal evidence, prescriptive claims and ights to duties on each particular species of goods, and the exact and precise sums payable for the same: and although the said mayor, bailiffs, burgesses and commonalty have brought several actions, in order to establish such their ancient rights; yet, by means of the expences in carrying on such suits, and the many continued evasions and refusals of payment, the money raised by such duties is not sufficient to repair the said harbour, quays and wharfs, which are now in a ruinous condition, and will be intirely destroyed, if not timely prevented: for remedy whereof, be it enacted,

There shall be paid to the mayor, &c. the rates and duties mentioned in the schedule, and no others Mayor, &c. to appoint and remove officers, allow salaries to, and take securities from such officers Quay master, &c. to keep accounts. Rates and duties to be levied by distreſs Masters, &c. of ships not delivering in an account of their loadings, to forfeit 10l. Goods that have paid the duty on importation, not chargeable on exportation. Quay masters may appoint the moorings, &c. of ships. Masters, &c. of ships not observing his directions, to forfeit 40s. The money to be applied to the cleansing and enlarging the harbour, wharfs, &c. Persons chargeable to the repairs of wharfs, to continue so. Mayor, &c. may purchase lands for enlarging the wharfs. Where persons are incapable, or refuse to treat for sale of lands, the damage and recompence to be assessed by a jury. Lands purchased, to be deemed publick quays or wharfs.

Mayor,

Mayor, &c. may borrow money on the credit of the tolls. Assignments may be transferred. Goods landed shall be removed from the quays, &c. in 3 days, on penalty of 12 d. per ton; and the same penalty for every 48 hours afterward. Persons emptying ballast, &c. into the harbour, liable to such penalties as persons convicted for publick nuances. Mayor and eleven commissioners to be chosen yearly by the inhabitants. On death or removal of commissioners, others to be chosen. In case the inhabitants neglect to appoint commissioners, the mayor and bailiffs are to put the act in execution; and on their refusal, a majority of the inhabitants. Commissioners to appoint watchmen, who shall execute orders of the commissioners, under penalty of 10 s. Commissioners to appoint number and sort of lamps; and regulate the watchmen, and the manner of keeping and lighting the lamps. Orders relating to the watch to be delivered to the water bailiff and assistant constables, who shall keep watch and ward by turns, endeavour to prevent mischiefs by fire, apprehend disorderly persons, and take notice if the watchmen do their duties. Mayor and one justice may remove watchmen. Watchmen to apprehend disorderly persons. Commissioners to appoint assessors, who are to assess owners and occupiers of houses, &c. which shall be allowed by two justices, and collected quarterly or half-yearly. Assessments may be levied by distress and sale. Security to be taken of collectors, and salaries to be allowed to them. Differences to be determined by the mayor and justices. Persons liable to pay any rate shall remove, it may be levied, or recovered by action. No settlement shall be gained by payment of the rates. If persons neglect to account, and pay the money remaining in their hands, it may be levied by distress; and for want of distress the person to be committed. If any money shall be lost, an additional assessment shall be made. Property of lamps vested in the mayor, &c. The assessments to be applied for watching and lighting the town, and building a magazine for gunpowder. 51. Penalty on persons breaking lamps. Persons may lodge gunpowder in the magazine paying 1½ pence a hundred weight. No more than 10 lb. of gunpowder to be kept in any house, &c. or aboard a ship. Justices may issue warrants to search for gunpowder, and seize and sell the same. Exception for gunpowder belonging to his Majesty. Persons aggrieved may appeal to the quarter sessions. Inhabitants of Poole allowed to be evidences.

*The Schedule referred to, viz. For harbour dues, quayage or wharfage, boomage and ballast dues, chargeable on goods, and to be payable by the master of every ship coming into, loading or unloading any in Poole harbour.*

For every ton of goods, shipped or unshipped within the limits of the harbour of Poole, 3 d.

Provided that it shall be lawful to import or export goods, into or from any part of the channel leading to Wareham, to the westward of the southwest buoy off the bulwarks of Hamkey, and near the entrance of the little channel leading to the town of Poole, free from the said duty, neither shall any duty be paid for bringing goods in boats without decks from Wareham, or any part of the channel to the west of the southwest buoy, or any part of the Isle of Purbeck within North Haven Point, to Poole, or from Poole to Wareham, &c.

#### B O O M A G E.

For boomage the following duties shall be paid, except for such vessels as are employed in fishing and dredging, viz.

Every decked vessel of the burthen of 10 tons, or under, 6 d. Of 20 tons, or above 10 tons, 1 s. Of 30 tons, or above 20 tons, 2 s. Of 40 tons, or above 30 tons, 3 s. Of 50 tons, or above 40 tons, 4 s. Of 60 tons, or above 50 tons, 5 s. Of 100 tons or above 60 tons, 6 s. Of a burthen above 100 tons, 7 s.

#### R A L L A S T.

For ballast the following duties, viz. For every ton of ballast, shipped or unshipped, 6 d.

It shall be lawful to ship or unship ballast in any part of the channel leading to Wareham, to the westward of the southwest buoy, or any part of the isle of Purbeck, within North Haven Point, duty free; any ship throwing out ballast at any quay within the mouth of the little channel within Poole Stakes, leading to the said town of Poole, in order to careen, shall only pay 6d. per ton; and no duty shall be paid for reshipping the same. Tobacco pipe clay shall be free.

## C A P. XI.

*An act for the better supply of mariners and seamen to serve in his Majesty's ships of war, and on board merchant ships and other trading ships and vessels.*

**F**OR the better supply of mariners and seamen to serve in his Majesty's ships of war, and on board merchant ships and other trading ships and vessels; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That from and after the passing of this act, until the twenty fifth day of March one thousand seven hundred and fifty seven, and no longer (except in respect to such merchant ships and other trading ships or vessels which shall be on their voyage before the said twenty fifth day of March one thousand seven hundred and fifty seven, who shall be and are hereby allowed the liberty and benefit of returning home navigated in the manner as herein after is provided) it shall and may be lawful for any merchant ship or other trading ship or vessel to be navigated by foreign seamen or mariners, not being natives of Great Britain, or of any of the colonies or plantations thereto belonging, or his Majesty's natural or naturalized subjects; so as the number of such foreign

so as they exceed not three fourths of the mariners at any one time employed to navigate such merchant ship or other trading ship or vessel; and that one fourth at least of the mariners or seamen so employed be at all times natives, or his Majesty's naturalized subjects of Great Britain, (sudden death, and hazard and casualties of war and the seas, saved and excepted) notwithstanding 12 Car. 2. c. 18.

one act of parliament made in the twelfth year of the reign of

his late majesty King Charles the Second, intituled, *An act for the encouraging and enreasing shipping and navigation, or any other*

*statute or law to the contrary notwithstanding.*

II. Provided always, That nothing in this act contained shall extend to take away or restrain the effect of any such royal proclamation as his Majesty, his heirs and successors, are empowered to make by virtue of an act passed in the thirteenth year of his Majesty's reign, intituled, *An act for the better supply of mariners and seamen to serve in his Majesty's ships of war, and on board merchant ships and other trading ships and privateers.*

The King's proclamation  
not to be restrained hereby.

s 3 G. 2. c. 3.

## C A P. XII.

*An act for granting to his Majesty a duty upon licences for retailing beer, ale, and other exciseable liquors; and for establishing a method for granting such licences in Scotland; and for allowing such licences to be granted at a petty session in England, in a certain case therein mentioned.*

Most gracious Sovereign,

WHEREAS by an act made in the ninth year of the reign of Queen Anne, intituled, An act for licensing and regulating hackney coaches and chairs, and for charging certain new duties on stamp vellum, parchment and paper, and on cards and dice, and on the exportation of rock salt for Ireland; and for securing thereby, and by a weekly payment out of the post office, and by several duties on hides and skins, a yearly fund of one hundred and eighty six thousand six hundred and seventy pounds, for thirty two years, to be applied to the satisfaction of such orders as are therein mentioned, to the contributors of any sums not exceeding two millions, to be raised for carrying on the war, and other her Majesty's occasions, it was amongst other things enacted, That there should be raised, levied, collected and paid unto, and for the use of her Majesty, her heirs and successors, for the several and respective things in the said act mentioned, which should be ingrossed, printed or written, the several and respective rates, duties, charges and sums of money, in the said act expressed; and that for every piece of vellum or parchment, or sheet or piece of paper, upon which (within or during the term of thirty two years, to be reckoned from the thirty first day of August in the year one thousand seven hundred and eleven) should be ingrossed or written any licence for selling of ale, beer, or other exciseable liquors, by retail, the sum or duty of one shilling should be raised, levied, collected and paid, unto and for the use of her Majesty, her heirs and successors, in such manner as in the said act is expressed; which duty was, amongst other rates and duties, by an act of the third year of the reign of his late majesty King George the First, made perpetual, and made part of the fund, commonly called The general fund: and whereas by a clause of an act made in the sixth year of the reign of his said late majesty King George the First, intituled, An act for preventing frauds and abuses in the publick revenues of excise, customs, stamp duties, post office, and house money, it is, amongst other things, enacted, That all mayors, town clerks, and other persons whom it may concern, who shall take any recognizances from persons for whom licences are intended for selling ale, and other exciseable liquors, shall be obliged to make, or cause to be made out, ale licences, duly stamp'd, before such recognizances be taken, under the penalty of ten pounds for every such offence: and whereas by an act made in the sixteenth year of the reign of his present Majesty, intituled, An act for repealing certain duties on spirituous liquors or strong waters, and on licences for retailing the same; and for laying other duties on spirituous liquors, and on licences to retail the said liquors;

Anno Regni domino millesimo septuagesimo octavo.

24 Geo 2. c. 40.

quors; all persons are forbid, under the penalties in the said act inflicted, to retail certain spirituous liquors therein enumerated, without first taking out a yearly licence for that purpose, in manner in the said act directed; for which licence the sum of twenty shillings yearly is thereby directed to be paid: and it is also thereby enacted, That no such licence shall be granted for selling by retail any spirituous liquors or strong waters whatsoever, except to such persons only who shall keep taverns, victualling-houses, inns, coffee-houses or ale-houses: and it is thereby provided and declared, That nothing in the said act shall extend, or be construed to enable any person or persons to sell any spirituous liquors or strong waters by retail, unless such person or persons be first licenced to sell ale or spirituous liquors by two or more of his Majesty's justices of the peace for the county, riding, division, city or liberty, wherein such person or persons shall sell the said liquors, under the hands and seals of the said justices: and whereas by an act made in the twenty fourth year of his present Majesty's reign, intituled, An act for granting to his Majesty an additional duty upon spirituous liquors, and upon licences for retailing the same; and for repealing the act of the twentieth year of his present Majesty's reign, intituled, An act for granting a duty to his Majesty to be paid by distillers, upon licences to be taken out by them for retailing spirituous liquors; and for the more effectual restraining the retailing of distilled spirituous liquors; and for allowing a drawback upon the exportation of British made spirits; and that the parish of Saint Mary le Bon, in the county of Middlesex, shall be under the inspection of the head office of excise; an additional duty of twenty shillings per annum is directed to be paid for every licence taken out for retailing spirituous liquors, to be paid down in like manner, and at the same time, and to be levied by the same means, and under the like penalties, as the duty upon licences to be granted by virtue of the said act made in the sixteenth year of the reign of his present Majesty is directed to be raised, levied, collected

29 Geo 2. c. 7. and paid: and where is by an act made in this session of parliament, the interest of fifteen hundred thousand pounds, part of the sum of two millions advanced on the credit of the said act, after the rate of three pounds ten shillings per annum, and the interest of five hundred thousand pounds, residue of the said sum of two millions, after the rate of three pounds per annum, are charged upon the fund commonly called The sinking fund: we your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, towards making good the said interest of the said sum of two millions charged on the said fund, have resolved to give and grant unto your Majesty a duty of twenty shillings for every piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written or printed, any licence from justices of the peace for selling ale, beer, or other exciseable liquors by retail in Great Britain, over and above all other duties chargeable thereupon; and do therefore most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in

in this present parliament assembled, and by the authority of the same, That from and after the feast of *Easter* one thousand seven hundred and fifty six, there shall be, throughout the kingdom of Great Britain, raised, levied, collected and paid to his stamp duty of Majesty, his heirs and successors for the purpose aforesaid, a <sup>20s</sup> laid on duty of twenty shillings for every piece of vellum or parchment, <sup>licences for re-</sup> or sheet or piece of paper, on which shall be ingrossed, written <sup>taking beer,</sup> or printed, any such licence for selling ale or beer, or other excusable liquors by retail, over and above all other duties chargeable thereupon.

II. And be it further enacted by the authority aforesaid, Duties to be That for the better and more effectual levying, collecting and under the paying the said duty of twenty shillings, the same shall be under management the government, care and management of the commissioners of the commissioners for for the time being appointed to manage the duties charged on stamp, who stamp vellum, parchment and paper; who, or the major part are to appoint of them, are hereby required and empowered, to employ the officers; and necessary officers under them for that purpose, and to cause such new stamp to be provided, to denote the said duty of twenty shillings, as shall be requisite in that behalf; and to do all other things necessary to be done for putting this act in execution with relation to the said duty hereby granted, in the like, and in as full and ample manner, as they, or the major part of them, are authorized to put in execution, any former law concerning stamp vellum, parchment or paper.

III. And be it further enacted by the authority aforesaid, *Piper, &c.* for That all vellum, parchment and paper, upon which any such licences to be licence shall from and after the feast of *Easter* one thousand seven brought to the hundred and fifty six, be ingrossed, written or printed, be stamp office, brought to the head office for stamping or marking vellum, parchment and paper; and the said commissioners by themselves, or by their officers employed under them, shall forthwith upon demand to them made, by any person or persons, from time to time, stamp or mark any quantities or parcels of <sup>and duties to</sup> vellum, parchment or paper, to be used for the purpose of <sup>be paid upon</sup> grossing, writing or printing such licence, he or they paying to stamping. the receiver general of the stamp duties for the time being, or to his deputy or clerk, the duty payable for the same by this act, without any fee or reward; which stamp or mark to be put thereupon in pursuance of this act, shall be a sufficient discharge for the duty hereby payable for the said vellum, parchment or paper, which shall be so stamp or marked.

IV. And be it further enacted by the authority aforesaid, Commission- That the said commissioners, and all other officers who shall be <sup>or</sup> and other ~~employed~~ <sup>or</sup> about the collecting or managing of the said officers to a duty hereby granted, shall in the execution of their offices and <sup>bey</sup> orders of trust, observe and perform such rules, methods and orders, as they respectively shall, from time to time, receive from the commissioners of the treasury, or the treasurer of the exchequer for the time being; and that no fee or reward shall be demanded or taken by any such commissioners and officers relating <sup>No fee payable</sup> <sup>on account of</sup> <sup>Officer ne-</sup>

glecting his duty, to the damage of another, answerable for the same, with treble costs.

Duties to be paid to the receiver general of the stamps,

and by him into the exchequer.

Commissioners to take care that sufficient quantities of stamp paper, &c. be distributed.

Price of stamp paper, &c. to be yearly set; and usual allowance made for prompt payment.

Stamp may be altered, or renewed.

Allowance to be made thereupon for old stamp paper, &c.

Penalties on breach of trust,

to the said duty, from any of his Majesty's subjects, for any matter or thing to be done in pursuance of this act; and in case any officer intrusted in the execution of this act, in relation to the said duty, shall refuse or neglect to perform any matter or thing by this act required to be done or performed by him, whereby any of his Majesty's subjects shall or may sustain any damage whatsoever, such officer so offending, shall be liable by any action to be founded on this statute, to answer to the party grieved all such damage, with treble costs of suit.

V. And it is hereby further enacted, That the duty hereby granted, shall be paid, from time to time, into the hands of the receiver general for the time being of the duties of stamp vellum, parchment and paper, who shall keep a separate and distinct account thereof, and pay the same (the necessary charges of raising, paying and accounting for the same excepted) into the receipt of the exchequer, for the purpose in the said act expressed, at such time, and in such manner, as any former duties on stamp vellum, parchment and paper, are directed to be paid.

VI. And be it further enacted by the authority aforesaid, That the said commissioners for the time being, shall take care that the several parts of the kingdom of Great Britain, shall, from time to time, be sufficiently furnished with vellum, parchment and paper, stamped and marked as by this act is directed, to the end that the subjects of his Majesty, his heirs and successors, may have it in their election to buy the same of the officers and persons to be employed by the said commissioners, at the usual and most common rates above the said duty, or to bring their own vellum, parchment or paper to be stamp'd or marked as aforesaid.

VII. And be it further enacted by the authority aforesaid, That the price of such stamp vellum, parchment and paper, shall be yearly set, and such price stamp'd, and such allowance made upon present payment of the said duty, for any quantity of the said vellum, parchment or paper, so by the said commissioners to be sold, in such manner as by any former law relating to stamp vellum, parchment or paper is directed.

VIII. And be it further enacted by the authority aforesaid, That the said stamp hereby directed to be provided and used, shall and may be altered or renewed in such manner as any other stamp on vellum, parchment or paper, are by any former law relating to stamp vellum, parchment or paper, directed to be altered or renewed; and that all persons who shall have in their custody or possession, any vellum, parchment or paper, marked with the stamp or mark which shall be forged, or renewed, or on which a new stamp is hereby directed to be impress'd, shall have the like remedy and allowance, as by any former law relating to stamp vellum, parchment or paper, in like cases directed.

IX. And be it further enacted by the authority aforesaid, That the said commissioners, and their officers, shall be subject

ject to such penalties and forfeitures for any breach of the trust or misapplica-  
tion of monies,  
hereby in them reposed, or for diverting or misappropriating of the  
money received in pursuance of this act, as by any former law by commissioners  
relating to stamp vellum, parchment or paper, are inflicted.

X. And whereas ale, beer, and other exciseable liquors, which  
cannot be sold by retail in that part of Great Britain called England,  
without licence from justices of the peace, may be sold by retail without  
any licence in that part of Great Britain called Scotland: and  
whereas it is expedient that retailers of such liquors in both parts of  
this kingdom, should be subject to the like powers and authorities; be persons keep-  
it therefore enacted by the authority aforesaid, That from and after the twenty fifth day of October one thousand seven hundred and fifty six, in every royal borough, and from and after the first day of November one thousand seven hundred and fifty six, in every shire and stewartry in that part of Great Britain called Scotland, no person shall keep any ale-house, tippling-house, or victualling-house, or sell ale, beer, or other exciseable liquors by retail, but such persons only who shall be annually thereto admitted, allowed and licensed according to the directions contained in this act.

XI. And be it further enacted by the authority aforesaid, That the justices of the peace in each shire and stewartry in that part of Great Britain called Scotland, shall have full power and authority, and they are hereby empowered and required, annually to assemble and meet together, in their respective shires and stewartries, on the first day of November, or on the next lawful day thereafter, at the hour and place when and where the general quarter sessions for such shire or stewartry have usually been held, the first assembly or meeting to be held on the first day of November one thousand seven hundred and fifty six; and at such annual meeting to admit, allow and license, for the year then next ensuing, such and so many persons as the major part of the justices then assembled, shall think meet and convenient, to keep ale-houses, tippling-houses, victualling-houses, or to sell ale, beer, or other exciseable liquors by retail, within such respective shire or stewartry, or in the event hereafter-mentioned, within any royal borough or boroughs, situated in such shire or stewartry; and the said justices shall deliver or cause to be delivered, to each person so by them admitted, allowed and licensed, a licence ingrossed, written or printed, upon a piece of vellum, parchment or paper stamp, as by this act is directed, with a stamp denoting the payment of the duty of twenty shillings, and signed by the praeses of the said meeting, and by the clerk of the peace of the said shire or stewartry; for each of which licences, there shall be paid and payable the sum of one shilling to the clerk of the peace, for his trouble and fee, over and above the said sum of twenty shillings, for the stamp duty imposed by this act, and no further or greater sum shall be demanded or paid for each licence, upon any account or pretence whatsoever.

XII. And for the more ready and convenient granting of licences to alboroughs

Fee of 1s pay-  
able on each  
licence, to the  
clerk of the  
peace.

to meet yearly for the like purpose.

ences to persons residing in the royal boroughs, in that part of Great Britain called Scotland, and the royalties thereof; be it further enacted by the authority aforesaid, That the magistrates of each royal borough shall yearly and every year, on the twenty fifth day of October, or the next lawful day thereafter, the first meeting to be on the twenty fifth day of October one thousand seven hundred and fifty six, assemble and meet together, at the time and place when and where they usually have met, for transacting the business of such royal borough; and the said magistrates, or any two of them at least, shall at such annual meeting, admit, allow and license, for the year then next ensuing, such and so many persons as the said magistrates, or two of them at the least, shall think meet and convenient, to keep ale houses, tippling-houses, victualling-houses, or to sell ale, beer, or other exciseable liquors by retail, within every such royal borough, and the royalty thereof, and the said magistrates, or two of them at the least, shall deliver or cause to be delivered to each person so by them admitted, allowed and licenced, a licence ingrossed, written or printed, upon a piece of vellum, parchment or paper, stamp'd as by this act is directed, with a stamp denoting the payment of the duty of twenty shillings, and signed by two of the said magistrates, and by the clerk of such royal borough; for each of which licences the like fee of one shilling, over and above the said sum of twenty shillings, and no more, shall be paid as is hereby directed to be paid for licences granted in shires and stewartries.

Where there shall not be a sufficient number of magistrates to act in my royal borough, just as in grant licence,

to be in force for one year only.

Persons in Scotland convicted of keeping unlicensed ale-houses, &c.

XIII. Provided always, and be it further enacted, That if in any royal borough, there shall not be a sufficient number of magistrates capable to grant licences pursuant to the qualifications and directions of this act, at any of the times when licences for ale-houses, tippling-houses, or victualling-houses in the royal boroughs, are hereby appointed to be granted, then and in such case it shall and may be lawful to and for the justices of the peace of the said shire or stewartry, in which such royal borough or boroughs shall be situated, to grant licences for such royal borough or boroughs, at the same time, and in the same manner, as they are hereby empowered to do for the shire or stewartry, and all licences so granted for royal boroughs by justices of the peace of the shire or stewartry, shall continue in force until the next annual day for granting licences according to this act, and no longer.

XIV. And whereas persons may presume to keep ale-houses, tippling-houses, or victualling-houses, or to sell ale, beer, or other exciseable liquors, without such licence as is hereby required, be it enacted by the authority aforesaid, That every person neglecting after the twenty fifth day of October one thousand seven hundred and fifty six, in royal boroughs, and after the first day of November, one thousand seven hundred and fifty six, in shires and stewartries, shall keep an ale house, tippling-house or victualling-house, or shall sell ale, beer, or other exciseable liquors by retail, without being licensed thereto according to the directions of

of this act, and shall be thereof convicted within one month after such offence committed, on his or her confession, or the oath of one credible witness, by any two justices of the peace of the shire or stewartry, or by any two magistrates in any royal borough where such offender shall reside or be licensed, every such offender shall forfeit and pay for the first offence, the sum of five shillings, for the second offence the sum of ten shillings, and for the third offence, the sum of twenty shillings, and shall, after the said third offence, be incapable of keeping an ale-house, tippling house, or victualling-house, or of selling ale, beer, or other excisable liquors by retail, by virtue of any licence granted before such conviction, or of having any licence for such purpose thereafter; and if any such offender shall continue to commit any of the aforesaid offences, then such offender shall, for every offence subsequent to his third conviction, forfeit and pay the sum of forty shillings; all which respective penalties and forfeitures shall and may be levied by distress and sale of the goods and chattels of every such offender (rendering to him or her the overplus, after the charges of the said distress and sale are deducted) by warrant signed by the justices or magistrates respectively who do convict such offender; which said penalties shall be paid and applied, one half thereof to the informer, and the other half to the poor of the parish where such offence shall be committed; and such conviction signed by the said two justices or magistrates respectively, shall be good and sufficient in law to all intents and purposes; and the said justices or magistrates respectively, shall, immediately after the said conviction is signed as aforesaid, intimate, or cause to be intimated, the said conviction to the person convicted, and shall return or certify the same, and the proceedings therein, to the clerk of the peace of the shire or stewartry in which such justices or magistrates do act, or in which the royal borough shall be situated, to be by the said clerk preserved amongst the records of the said shire or stewartry.

XV. Provided always, and be it further enacted by the authority aforesaid, That if any person aggrieved by such conviction shall be minded to appeal from such conviction, it shall appeal to the persons aggrieved may and may be lawful to and for such person, within two days after such conviction shall have been intimated to him or her, to appeal to the next ensuing quarter-sessions, or adjournment thereof, which shall be held for the shire or stewartry where such offence shall have been committed, or wherein such royal borough is situated; and the justices of the peace assembled at such quarter-sessions or adjournment, are hereby authorized and impowered to hear and determine the said appeals, and to give and cause to be executed such judgment or sentence, as in their opinion the justices or magistrates from whom the case is appealed, ought to have given.

XVI. Provided always, That the person appealing shall with Notice, and all convenient speed, and before the meeting of the said quarter-sessions or adjournment thereof, leave his or her reasons of peal, to be left with the appeal

clerk of the  
peace, &c.

Conviction to  
be exhibited  
at the sessions

and copy to  
be delivered,  
on paying  
6d.

§ 23. Penalty  
on appeals  
deemed frivo-  
lous.

Judgment of  
justices to be  
final.

Brewers, &c.  
in Scotland,  
inhabited to  
grant licences

or act in the  
execution of  
this act,

on penalty of  
50l.

one moiety to  
the prosecutor

### An Act to amend the Execution of the Laws.

appeal in writing with the clerk of the peace of the said shire or stewartry, and also attend, and with effect prosecute, such his or her appeal at the said quarter-sessions or adjournment thereof; and the clerk of the peace shall, at the quarter-sessions or adjournment thereof, produce all such convictions and reasons of appeal as shall have been returned or certified to him, or left with him since the last quarter-sessions or adjournment thereof, and shall, upon reasonable notice, deliver to any person requiring the same, a fair copy of such conviction or reasons of appeal; for each copy whereof, the sum or fee of six pence, and no more, shall be demanded and paid.

XVII. And in order to prevent frivolous and vexatious appeals, be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the justices of the peace at the said quarter-sessions or adjournment thereof, if they shall judge any appeal from any conviction to be frivolous and calculated for delay, to award, order and direct the party appealing, to pay any sum not exceeding twenty shillings, over and above the penalties herein before-mentioned, to be levied and applied in such manner, and to such use or uses, as the said justices shall direct and appoint; and the judgment and determination of the said justices at the quarter-sessions or adjournment thereof, shall in all the cases aforesaid, be final and conclusive to all intents and purposes.

XVIII. And whereas it is expedient that persons empowered to grant licences by virtue of this act, shall not be swayed by interest in the execution of the powers vested in them; be it therefore enacted by the authority aforesaid, That no justice of the peace or magistrate in any shire, stewartry, or royal borough, in that part of Great Britain called Scotland, who is a brewer, malster, distiller, or retailer of ale, beer, or other exciseable liquors, or is concerned in partnership, or otherwise, with any brewer, malster, distiller, or retailer of ale, beer, or other exciseable liquors, at any of the time or times when any of the powers in this act are to be executed, shall act in any of the meetings for granting of any licence or licences, or shall convict or join in any conviction, or in the determination of any appeal directed by this act; and every justice of the peace or magistrate who shall offend in any of the premisses, shall, for every such offence, forfeit and pay the sum of fifty pounds, to be recovered by any person who will sue for the same within six months after such offence committed, by action, bill, plaint or information, in his Majesty's court of exchequer in that part of Great Britain called Scotland, in which no escomption, protection, wager of law, or more than one imparlance shall be allowed; which said penalty of fifty pounds shall be paid, one moiety thereof to the person who sues for the same, and the other moiety to the collector of the fees for the shire or stewartry within which such justice or magistrate has offended, to be applied for the reparation of the highways or bridges in such shire or stewartry, in such manner as the persons

sons who by law have the ordering and directing such reparations, shall think proper.

the other to repair the roads.

**XIX.** Provided nevertheless, and be it further enacted by the authority aforesaid, That nothing in this act contained shall extend or be construed to extend to charge any licence for keeping any ale-house, tippling-house, victualling-house, or place for the sale of ale, beer, and other exciseable liquors by retail, situated upon or near the King's military road or roads, made or to be made in that part of Great Britain called Scotland, at the publick charge, and not being within any royal borough, nor within the burghs of Dumblane, Muthill, Crieff, Dunkeld, or within one mile of any of the said royal boroughs or burghs, with any duty hereby directed to be paid, levied or received; but all such licences shall and may be granted and delivered by the justices of the peace of the respective shires and stewartries, where to be issued on such road and roads shall and may lie, upon the payment of one payment of shilling for each licence to the clerk of the peace of such shire or s. only to the stewartry, for his trouble only; any thing herein contained to the contrary in any wise notwithstanding.

Licences for houses on the military roads, &c. in Scotland.

**XX.** And be it further enacted by the authority aforesaid, That if any person shall from and after the feast of Easter one thousand seven hundred and fifty six, write, ingross or print, or cause to be written, ingrossed or printed, any such licence to be making out granted by justices of the peace as aforesaid, for selling of ale, beer, or other exciseable liquors by retail, before the vellum, parchment or paper whereupon such licence shall be ingrossed, written or printed, shall appear to have been duly stamp'd, every person so offending shall, for every such offence, forfeit the sum of ten pounds, with full costs of suit; to be recovered in such manner as penalties by any former laws relating to stamp'd vellum, parchment or paper, are directed to be recovered: and that of this act, if any such licence shall be so ingrossed, written or printed, contrary to the true intent and meaning of this act, then and in every such case, there shall be answered and paid to his Majesty, his heirs and successors, over and above the duty hereby due and payable for every such licence, the sum of five pounds, to be applied and paid in such manner, and to such uses, as the said duty hereby granted is applicable and payable; and that no such licence shall be available in law, or be given in evidence, or admitted in any court, unless as well the said duty hereby charged, as the said sum of five pounds, shall be first paid to the use of his Majesty, his heirs and successors, for the purposes of this act, and a receipt produced for the same under the hand of the receiver general for the time being, of the stamp dues, or of his duty or clerk, and until the vellum, parchment or paper, on which such licence is so ingrossed, written or printed, shall be marked or stamp'd according to the tenor and true meaning of this act; and that the said receiver general, or his deputy or clerk, shall upon payment or tender of the said duty payable by virtue of this act, and of the said sum of five pounds, give a receipt for such money; and that thereupon the other proper

and the same making them contrary to the intention of this act.

and the same and the same unless the duty and fine be paid, and received, and the same stamp'd, &c.

and licence stamp'd, &c.

proper officers shall mark and stamp such licence, with the proper mark and stamp requisite in that behalf.

Forging the  
stamp. &c.  
Felony, with-  
out clergy.

**XXI.** And be it further enacted by the authority aforesaid, That if any person shall counterfeit or forge any stamp or mark to resemble the stamp or mark directed to be provided by this act, or shall counterfeit or resemble the impression of the same upon any vellum, parchment or paper, with an intent to defraud his Majesty, his heirs or successors, of the said duty, or shall utter, vend, or sell any vellum, parchment or paper, with such counterfeit mark or stamp thereupon, knowing such mark or stamp to be counterfeit, or shall cause or procure any vellum, parchment or paper to be stampt or marked with such counterfeit mark or stamp, or shall privately or fraudulently use any stamp to be provided or used in purluance of this act, with an intent thereby to defraud his Majesty, his heirs or successors, of the said duty, or shall cause or procure to be forged or counterfeited any stamp or mark, to resemble any stamp or mark hereby directed to be used, every person so offending, being thereof lawfully convicted, shall be adjudged a felon, and shall suffer death as in cases of felony, without benefit of cleiry.

No licences to  
be issued but  
to persons pro-  
ducing licence  
according to  
9 Ann. c. 23.

**XXII.** And be it further enacted by the authority aforesaid, That neither his Majesty's commissioners of excise in *England* or *Scotland* respectively, nor any of the collectors or supervisors of excise, or any other officers by the said commissioners respectively appointed to deliver licences to ~~the~~ retailers of any spirituous liquors or strong waters, shall grant or deliver any such licence to any person who shall not produce a licence granted to him or her in due form of law by justices of the peace, to sell ale, beer, or other exciseable liquors, and stamped as by the said act made in the ninth year of the reign of Queen *Anne* and by this act is directed.

On death or  
removal of  
persons occu-  
pying licenced  
houses, their  
assigns, &c.  
may continue  
the same for  
the residue of  
the year.

**XXIII.** Provided nevertheless, and be it enacted by the authority aforesaid, That if any person so licensed to sell ale, beer, or other exciseable liquors, shall die or remove from the ale-house or other place wherin such ale, beer, or other liquors, shall, by virtue of such licence, be sold, it shall and may be lawful for the executors, administrators and assigns, of such person so dying or removing, who shall be possessed of such house or place, or the occupier thereto, to sell ale, beer, or other liquors therein, during the residue of the term for which such licence shall have been granted to the person so dying or removing, without any certificate from any justice of the peace, or any new licence to be had or obtained in that behalf; any thing in the said act made in the twenty sixth year of the reign of his present Majesty, or any other law to the contrary thereof notwithstanding.

New licences  
may be grant-  
ed to houses  
unoccupied  
and licenced

**XXIV.** Provided always, and be it enacted, That in case any ale house or victualling-house, in that part of *Great Britain* called *England*, shall become empty or unoccupied after the general day appointed for licensing (the occupier whereof was duly licensed the year preceding) it shall be lawful for any two of his Majesty's

Majesty's justices of the peace, at a petty session to grant a licence to any new tenant or occupier, to open such house as an ale-house or victualling-house, and to sell ale there, till the next general licensing day, so as the said licence be stamped as herein directed; such new tenant or occupier obtaining such certificate, as is directed and prescribed in and by an act of parliament, made in the twenty sixth year of his Majesty's reign, intituled, <sup>Tenant obtaining a certificate as prescribed by</sup> 26 Geo. 2. c. 32.

*An act for regulating the manner of licensing ale-houses, in that part of Great Britain called England; and for the more easy convicting persons selling ale and other liquors without licence.*

XXV. Provided also, and be it enacted by the authority aforesaid, That nothing in this act, or in any former law relating to stamp'd vellum, parchment or paper, contained, shall extend to charge with any duty, such vellum, parchment or paper, on which any licence to be granted by the said commissioners of excise respectively, or by their officers, to retail distilled liquors or strong waters, shall be ingrossed, written or printed.

XXVI. And be it further enacted by the authority aforesaid, That every person who shall retail ale, beer, or other liquors, in any prison, or house of correction, or workhouse to be appointed for the reception of poor persons, shall be deemed a keeper of a common ale-house or tippling-house, and shall be subject to the penalties inflicted by law on the keepers of common ale-houses and tippling-houses, unless he or she shall obtain from the justices of the peace, according to due course of law, a licence to retail such beer, ale, or other exciseable liquors.

XXVII. And be it further enacted by the authority aforesaid, That towards making good to the sinking fund, the interest of <sup>be carried into</sup> two millions charged thereon by an act of this session of parliament, the said duty hereby granted shall be carried to and made part of the said fund.

XXVIII. And be it further enacted by the authority aforesaid, That if any action shall at any time be brought against any person for any matter or thing, which he or she shall do, or cause to be done, by virtue or in execution of this act, in every such case the defendant or defendants in every such action, may plead the general issue, and give this act and the special matter in evidence, on any trial or trials to be hereafter had in such action; and that if the plaintiff or plaintiffs in any such action shall discontinue such action, or become nonsuit, or if judgment shall be given against such plaintiff or plaintiffs, in such action, the defendant or defendants in every such action shall recover his, her, or their treble costs of suit.

### C A P. XIII.

*An act for granting to his Majesty an additional duty on cards and dice.*

Most gracious Sovereign,

WHEREAS by an act made in the ninth year of the reign of Queen Anne, intituled, An act for licensing and regulat-

9 Ann. c. 23.  
ing

ing hackney coaches and chairs, and for charging certain new duties on stamp vellum, parchment and paper, and on cards and dice, and on the exportation of rock salt for Ireland; and for securing thereby, and by a weekly payment out of the post office, and by several duties on hides and skins, a yearly fund of one hundred eighty six thousand six hundred and seventy pounds, for thirty two years, to be applied to the satisfaction of such orders as are therein mentioned, to the contributors of any sum not exceeding two millions, to be raised for carrying on the war, and other her Majesty's occasions; it was enacted, That from and after the eleventh day of June one thousand seven hundred and eleven, during the term of thirty two years from thence next ensuing, there should be raised, collected, levied and paid, unto and for the use of her Majesty, her heirs and successors, for all playing cards and dice, which during the said term should be made fit for sale or use in Great Britain, or imported, the duties following; that is to say, For every pack of such cards, the sum of six pence; and for every pair of such dice, the sum of five shillings, to be paid by the makers or importers thereof respectively; and it was thereby enacted, That such duties upon such cards and dice imported, should be levied and brought into the exchequer, in such manner and form, and under such penalties and forfeitures, as any her Majesty's customs or duties on subsidy goods inwards, were by any law then in force to be levied and brought into her Majesty's exchequer; and it was thereby enacted, That all makers of playing cards or dice made in Great Britain, before they should respectively begin to make any such cards or dice, should give or send to the commissioners for managing the duties on stamp vellum, parchment and paper (who are by the said act appointed to manage the said duties on cards and dice) or to their officers, such notice as by the said act is directed, and should permit the proper officers for the said duties, to enter any house or place for making cards or dice, and take an account therof, and should not remove or suffer to be removed the same, from such house or place, until the mark and seal devised to denote the charging the said duties, should be put on the said cards and dice respectively; and that the makers of such cards and dice should make an entry, and clear the duties owing from them respectively, without fraud or concealment, in such manner, and at such time, as by the said act is directed, upon such pair, and under such penalties and forfeitures, as are thereby inflicted for any such offence, to be recovered in manner as by the said act is directed: and whereas for the better securing the duties on playing cards and dice, it was by an act made in the tenth year of the reign of Queen Anne, intituled, An act for laying several duties upon all sope and paper made in Great Britain, or imported into the same; and upon chequered and striped linens imported; and upon certain silks, calicoes, linens and stuffs printed, painted or stained; and upon several kinds of stamp vellum, parchment and paper; and upon certain printed papers, pamphlets and advertisements; for raising the sum of one million eight hundred thousand pounds by way of a lottery towards her Majesty's supply; and for licensing an additional num-

number of hackney chairs; and for charging certain stocks of cards and dice; and for better securing her Majesty's duties to arise in the office for the stamp duties, by licences for marriages, and otherwise; and for relief of persons who have not claimed their lottery tickets in due time, or have lost exchequer bills or lottery tickets; and for borrowing money upon stock (part of the capital of the South Sea company) for the use of the publick, further enacted, That during the continuance of the said duties, no playing cards or dice should be sold or exposed to sale, or used in playing in any publick gaming house, unless the paper and thread inclosing, or which should have inclosed the same, should have been respectively sealed and stamp'd or mark'd, according to the said former act in that behalf, and unless one card in each pack or parcel of cards sold, should be so mark'd or stamp't on the spotted side thereof, with such mark or stamp as the said commissioners should directt and appoint, under such penalties and forfeitures as by the said act are inflicted, to be recovered in such manner as in the said act is directed: and whereas provision was made by the last-mentioned act for preventing the forgery of the seal, stamp or mark, provided to denote the payment on the said duty, and for obliging the makers of cards and dice to give due notice of their intention to make the same, and for prohibiting the removal of the materials being to be wrought, for or towards the making of cards or dice, until the same shall have been completely made into cards or dice, or the duties for the cards or dice therewith intended to be made, shall be paid or secured, and for extending to every part of Great Britain, the act made in the third and fourth years of King Edward the Fourth, prohibiting the importation of playing cards or dice into England or Wales, and for declaring what pieces of ivory, bone, or other matter made or used for any game or play, with any letter, figure, or other mark thereupon, to denote any chance or chances, shall be deemed to be dice, and for empowering any officer appointed by the said commissioners, to enter into any house or place where cards and dice shall be made, sold or exposed to sale, or suspected to be privately made, or into any publick gaming-house, room or place, and there to search for cards and dice not duly sealed, marked or stamp't, and for encouraging the exportation of cards and dice into foreign parts: and whereas by an act made in the fifth year of the reign of his late majesty King George the First, a time is limited for prosecutions upon bonds given for the exportation of cards and dice, and provision is thereby made for vacating such bonds in certain cases therein expressed: and whereas by an act made in the sixth year of the reign of his late majesty King George the First, intituled, An act for preventing frauds and abuses in the publick revenues of excise, customs, stamp duties, post office, and house-money, a penalty is inflicted on all persons who shall fraudulently cut, tear, or get off, any mark or stamp, in respect whereof or whereby any duties are payable, or are denoted to be paid or payable on playing cards, or shall fine, square, or new spot, any dice which have been sold or played with, or shall fraudulently enclose any parcel or pack of playing cards, in any outside paper, duly sealed, and stamp't, the same having been once made up.

3&amp;4 Ed. 4. c. 4.

5 Geo. 1. c. 29.

6 Geo. 1. c. 25.

of for the purposes aforesaid, or shall sell or expose to sale, any playing cards, the same not being at the time of such selling or exposing to sale, actually stamp'd on the spotted or painted side, and also inclosed in paper or thread sealed and stamp't as by the said act made in the tenth year of the reign of Queen Anne is directed; and provision is thereby also made for obliging card makers to enter into bond for the due payment of the said duty on cards, within the time therein limited, and for an allowance for prompt payment of the said duties; and power is thereby also given upon information by affidavit, and by such warrant, and in such manner as by the said act is directed, to any officer employed by the said commissioners, to break open the door, or any part of any house or place wherein any cards or dice are suspected to be made or making, and to seize all such cards and dice, and the tools or materials by which they are made or making: and whereas by an act made in the third year of the reign of his late majesty King George the First, the said duties on cards and dice, were among other rates and duties made perpetual, and made part of the fund commonly called The general fund: and whereas the interest of the sum of fifteen hundred thousand pounds, part of the sum of two millions advanced on the credit of an act made in this session of parliament, at the rate of three pounds ten shillings per centum per annum, and also the interest of five hundred thousand pounds, being the residue of the said sum of two millions, at the rate of three pounds per centum per annum, is by the said act charged and chargeable upon the fund commonly called The sinking fund: we your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, towards making good the said interest of the said sum of two millions, so charged on the said sinking fund, have resolved to give and grant unto your Majesty the several additional rates, duties and impositions, on cards and dice herein after-mentioned; and do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That from and after the passing of this act, there shall be raised, levied, collected and paid, unto and for the use of his Majesty, his heirs and successors, for all playing cards and dice which shall be made fit for sale or use in Great Britain, the additional duties following, over and above all duties chargeable thereupon (that is to say)

**Additional  
duties granted  
on cards and  
dice,**

6d. on each pack of cards,  
and 5s. on each pair of dice,

For every pack of such cards, the sum of six pence, over and above the duty of six pence payable for the same.

And for every pair of such dice, the sum of five shillings, over and above the duty of five shillings payable thereupon.

Such respective duties to be paid by the makers of such cards and dice respectively.

to be under  
the manage-  
ment of the

II. And be it further enacted by the authority aforesaid, That for better securing and enforcing the payment of the said duties, the

the same shall be under the management of the commissioners commissioners for the stamp duties for the time being, who, or the major part for stamp of them, by themselves, or their officers (which they are here-  
duties.  
by empowered to employ for that purpose) shall cause a seal,  
stamp or mark to be used to denote the additional duties hereby stamp to be granted, in such manner as stamps or marks by the said act made used for de-  
in the ninth year of the reign of Queen Anne, are directed to noting these  
be used to denote the duties thereby imposed.

III. And it is hereby further enacted, That the duties hereby Duties pay-  
granted shall be paid into the hands of the receiver general for the time being of the duties on stamp vellum, parchment and paper, who shall keep a separate and distinct account thereof, and pay the same (the necessary charges of raising, collecting, pay-  
ing and accounting for the same excepted) into the receipt of the exchequer, for the purposes in this act expressed, at such time, and in such manner, as any former duties on stamp vellum, parchment and paper, are directed to be paid.

IV. And be it further enacted by the authority aforesaid, Powers, &c.  
That all powers, provisions, articles, clauses, and other penal-  
ties and forfeitures, distribution of penalties and forfeitures, to the addi-  
and all other matters and things prescribed or appointed in the tional duties,  
said acts made in the ninth and tenth years of the reign of Queen  
Anne, and in the said acts made in the third, fifth and sixth years  
of his late majesty King George the First, or in any other act or  
acts of parliament relating to the like duties, and not hereby al-  
tered, shall be of full force and effect with relation to the additional  
duties hereby charged on cards and dice, and shall be ap-  
plied and put in execution for raising, levying, collecting, and  
securing the said additional duties hereby charged, according to  
the true intent and meaning of this act, as fully to all intents and  
purposes, as if the same powers, provisions, articles, clauses,  
penalties and forfeitures, and every of them, had severally and  
respectively been hereby enacted with relation to the additional  
duties hereby charged on cards and dice, and as if the duties  
hereby charged had been charged by the said act made in the  
ninth year of Queen Anne, or by any other act or acts of par-  
liament.

V. And be it further enacted by the authority aforesaid, Comitatem factum  
That if any person shall counterfeit or forge any seal, stamp ing any stamp  
or mark, to resemble the seal, stamp or mark directed to be for these duties,  
used by this act for the purposes of denoting the duties on cards  
and dice hereby granted, or shall counterfeit or resemble the im-  
pression of the same upon any cards or dice, or any thread or  
paper inclosing any pack or parcel of cards, with an intent to  
defraud his Majesty, his heirs or successors, of any of the said  
duties upon cards or dice; or shall utter, vend or sell any cards or venditi-  
dice with such counterfeit seal, stamp or mark, knowing the cards or dice  
same to be counterfeit, or shall privately and fraudulently use with counter-  
feited seals, &c., any seal, stamp or mark hereby directed to be used, with an intent to defraud the  
intent to defraud his Majesty, his heirs and successors, of any the King, felony  
duties upon cards and dice, or shall cause or procure to be forged without  
the clergy.

ed or counterfeited any seal, stamp or mark, to resemble any seal, stamp or mark hereby directed to be used, or shall cause or procure any card or dice, or any thread and paper inclosing any pack or parcel of cards, to be sealed, stamped or marked with any such counterfeit seal, stamp or mark, or shall in like manner counterfeit or forge, or cause or procure to be counterfeited or forged any seal, stamp or mark, to resemble any seal, stamp or mark by the said act made in the tenth year of the reign of Queen *Anne* directed to be impressed on the spotted or painted side of one card in each pack or parcel of playing cards, or shall vend, utter or expose to sale any cards with such counterfeit seal, stamp or mark, knowing the same to be counterfeit, or shall privately and fraudulently use any seal, stamp or mark used for sealing, stamping or marking the spotted or painted side of any such card, with an intent to defraud his Majesty, his heirs and successors, of any of the duties on cards and dice; every person so offending, and being thereof lawfully convicted, shall be adjudged a felon, and shall suffer death as in cases of felony, without benefit of clergy.

**VI.** And whereas great frauds are or may be committed by makers of cards and dice, under pretence that the same are intended for exportation, in which case the same are, by the said act made in the tenth year of the reign of Queen *Anne*, exempted from the duties payable for the same: and whereas the provision by the said act made for preventing such frauds, has by experience been found ineffectual;

Cards for exportation to be inclosed and tied up the commissioners shall direct, and to be stamp'd.

20l. penalty on selling and using the same in Great Britain.

be it further enacted by the authority aforesaid, That all playing cards made in *Great Britain*, which shall be intended for exportation, shall, before they are packed up for exportation, be inclosed in paper and thread, in packs or parcels, in such manner as the said commissioners for managing the duties on stamp'd vellum, parchment and paper shall direct and appoint, in order to distinguish them from other cards liable to the duties thereon imposed; and that for the said purpose one card in every pack of playing cards so made or intended for exportation, or so many cards in every such pack as the said commissioners shall direct and appoint, shall also be marked or stamp't on the spotted or painted side thereof, with such mark, and in such manner as the said commissioners shall direct; and if any person or persons shall, from and after the passing of this act, vend, utter or expose to sale, to be used in *Great Britain*, or shall use or permit to be used in any publick gaming house, any playing cards so marked, stamp't and distinguished as cards for exportation, every person so offending shall for every pack of cards so vended, uttered or exposed to sale, or used or permitted to be used as aforesaid, forfeit and pay the sum of twenty pounds, to be recovered and distributed in such manner, as penalties by any former law relating to cards and dice are directed to be recovered and distributed.

**VII.** And be it further enacted by the authority aforesaid, That no bond which shall be entered into pursuant to the said act made in the tenth year of the reign of Queen *Anne* for exporting

porting cards and dice, shall be vacated or delivered up, unless dice, not to be and until proof be made that such cards or dice have been en- vacated till tered and shipped for exportation as cards and dice, and not as stationary wares ; and unless and until a certificate of such en- proof and cer- tificate of their try and shipping, signed by the proper officer or officers of the tered and customs, be produced ; which certificate the said officer or of- shipped. officers are hereby directed and required to give without fee or re- ward ; any thing in the said act made in the fifth year of the reign of his late majesty King George the First to the contrary thereof in any wise notwithstanding.

VIII. And whereas a fraudulent practice hath prevailed of selling and buying covers and labels, which have before been made use of for denoting the duty payable upon cards : for preventing such frauds, 20l. penalty be it enacted by the authority aforesaid, That if any person on buying shall, from and after the passing of this act, sell or buy any such cover or label, in order to be made use of for the inclosing any pack or parcel of cards, every person so offending shall for every such offence forfeit the sum of twenty pounds ; to be recovered in manner aforesaid, and to be distributed, one moiety to the use of his Majesty, his heirs and successors, and the other moiety thereof to any person who shall inform and sue for the same.

IX. Provided always, and be it enacted by the authority aforesaid, That if either the buyer or seller of any such cover or label shall inform against the other party concerned in buying or to be admitted as evidence, and indemni- selling such cover or label, the party so informing shall be ad- mitted to give evidence against the party informed against, and shall be indemnified against the penalties so incurred.

X. And be it further enacted by the authority aforesaid, That if any maker of playing cards, or any other person shall, from and after the passing of this act, sell or dispose of any cards, commonly called *Waple Cards*, unless he or she shall, before such sale, mark the back or plain side of every painted or pictured card in such manner, as to render the same unfit to be used in play ; every person so offending shall for every such offence forfeit the sum of twenty pounds, to be recovered and distributed in manner aforesaid.

XI. And be it further enacted by the authority aforesaid, That if any action or actions shall at any time or times hereafter be brought against any person or persons whatsoever, for any matter or thing which he, she or they shall do, or cause to be done, by virtue or in execution of this act, that in such case the defendant or defendants, in every such action or actions, shall and may plead the general issue, and give this act and the special matter in evidence, on any trial or trials to be hereafter had in such action or actions ; and if the plaintiff or plaintiffs shall discontinue such action or actions, or become nonsuit ; or if judgment shall be given against such plaintiff or plaintiffs in such action or actions, that then the defendant or defendants in every such action or actions shall recover his or their treble costs and recover of treble costs.

of suit; any law, custom or usage whatsoever to the contrary in any wise notwithstanding.

XII. And be it further enacted by the authority aforesaid, That the said duties hereby charged for cards and dice shall be carried to and made part of the fund, commonly called *The sinking fund*, towards making good the said interest of the sum of two millions charged thereupon by an act made in this session of parliament.

#### C A P. XIV.

*An act for granting to his Majesty several rates and duties payable by all persons, and bodies politick or corporate, bearing certain quantities of silver plate.*

Most gracious Sovereign,

29 Geo 2. c. 7. WHEREAS by an act made in this session of parliament, intituled, An act for granting to his Majesty the sum of two millions, to be raised, by way of annuities and a lottery, and charged on the sinking fund, redeemable by parliament; and for extending to Ireland the laws made in this kingdom against private and unlawful lotteries; the interest of fifteen hundred thousand pounds, part of the sum of two millions advanced on the credit of the said act, after the rate of three pounds ten shillings per centum per annum; and the interest of five hundred thousand pounds, residue of the said sum of two millions, after the rate of three pounds per centum per annum, are charged upon the fund commonly called The Sinking Fund: we your Majesty's most dutiful and loyal subjects the commons of Great Britain in parliament assembled, towards making good the said interest of the said sum of two millions charged on the said fund, have resolved to give and grant unto your Majesty the respective annual rates and duties herein after-mentioned, for and upon all silver plate in Great Britain, and do therefore most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That from and after the fifth day of July one thousand seven hundred and fifty six there shall be raised, levied, collected and paid, to and for the use of his Majesty, his heirs and successors, for and upon all silver plate in Great Britain, the respective annual rates and duties herein after expressed; that is to say,

Annual duties payable on silver plate, viz. From and after the fifth day of July one thousand seven hundred and fifty six there shall be raised, levied, collected and paid, to and for the use of his Majesty, his heirs and successors, for and upon all silver plate in Great Britain, the respective annual rates and duties herein after expressed; that is to say,

For 100 ounces, 5s. For and upon one hundred ounces troy weight, and any greater quantity of silver plate not amounting to two hundred ounces, the sum of five shillings.

For 200, 10s. And for and upon two hundred ounces, and any greater quantity not amounting to three hundred ounces, the sum of ten shillings.

For 300, 15s. And for and upon three hundred ounces, and any greater quantity not amounting to four hundred ounces, the sum of fifteen shillings.

And,

And for and upon four hundred ounces, and any greater For 400, 20s. quantity not amounting to five hundred ounces, the sum of twenty shillings.

And for and upon five hundred ounces, and any greater For 500, 1l. 5s. quantity not amounting to six hundred ounces, the sum of one pound five shillings.

And for and upon six hundred ounces, and any greater For 600, 1l. 10s. quantity not amounting to seven hundred ounces, the sum of one pound ten shillings.

And for and upon seven hundred ounces, and any greater For 700, 1l. 15s. quantity not amounting to eight hundred ounces, the sum of one pound fifteen shillings.

And for and upon eight hundred ounces, and any greater For 800, 2l. quantity not amounting to nine hundred ounces, the sum of two pounds.

And for and upon nine hundred ounces, and any greater For 900, 2l. 5s. quantity not amounting to one thousand ounces, the sum of two pounds five shillings.

And for and upon one thousand ounces, and any greater For 1000, quantity not amounting to one thousand one hundred ounces, 2l. 10s. the sum of two pounds ten shillings.

And for and upon one thousand one hundred ounces, and any For 1100, greater quantity not amounting to one thousand two hundred 2l. 15s. ounces, the sum of two pounds fifteen shillings.

And for and upon one thousand two hundred ounces, and any For 1200, 3l. greater quantity not amounting to one thousand three hundred ounces, the sum of three pounds.

And for and upon one thousand three hundred ounces, and For 1300, 3l. 5s. any greater quantity not amounting to one thousand four hundred ounces, the sum of three pounds five shillings.

And for and upon one thousand four hundred ounces, and For 1400, any greater quantity not amounting to one thousand five hundred 3l. 10s. ounces, the sum of three pounds ten shillings.

And for and upon one thousand five hundred ounces, and any For 1500, greater quantity not amounting to one thousand six hundred 3l. 15s. ounces, the sum of three pounds fifteen shillings.

And for and upon one thousand six hundred ounces, and any For 1600, 4l. greater quantity not amounting to one thousand seven hundred ounces, the sum of four pounds.

And for and upon one thousand seven hundred ounces, and For 1700, any greater quantity not amounting to one thousand eight hundred 4l. 5s. ounces, the sum of four pounds five shillings.

And for and upon one thousand eight hundred ounces, and For 1800, any greater quantity not amounting to one thousand nine hundred 4l. 10s. ounces, the sum of four pounds ten shillings.

And for and upon one thousand nine hundred ounces, and For 1900, any greater quantity not amounting to two thousand ounces, 4l. 15s. the sum of four pounds fifteen shillings.

And for and upon two thousand ounces, and any greater For 2000, 5l. quantity not amounting to two thousand one hundred ounces, the sum of five pounds.

- For 2100, 5l. 5s. And for and upon two thousand one hundred ounces, and any greater quantity not amounting to two thousand two hundred ounces, the sum of five pounds five shillings.
- For 2200, 5l. 10s. And for and upon two thousand two hundred ounces, and any greater quantity not amounting to two thousand three hundred ounces, the sum of five pounds ten shillings.
- For 2300, 5l. 15s. And for and upon two thousand three hundred ounces, and any greater quantity not amounting to two thousand four hundred ounces, the sum of five pounds fifteen shillings.
- For 2400, 6l. And for and upon two thousand four hundred ounces, and any greater quantity not amounting to two thousand five hundred ounces, the sum of six pounds.
- For 2500, 6l. 5s. And for and upon two thousand five hundred ounces, and any greater quantity not amounting to two thousand six hundred ounces, the sum of six pounds five shillings.
- For 2600, 6l. 10s. And for and upon two thousand six hundred ounces, and any greater quantity not amounting to two thousand seven hundred ounces, the sum of six pounds ten shillings.
- For 2700, 6l. 15s. And for and upon two thousand seven hundred ounces, and any greater quantity not amounting to two thousand eight hundred ounces, the sum of six pounds fifteen shillings.
- For 2800, 7l. And for and upon two thousand eight hundred ounces, and any greater quantity not amounting to two thousand nine hundred ounces, the sum of seven pounds.
- For 2900, 7l. 5s. And for and upon two thousand nine hundred ounces, and any greater quantity not amounting to three thousand ounces, the sum of seven pounds five shillings.
- For 3000, 7l. 10s. And for and upon three thousand ounces, and any greater quantity not amounting to three thousand one hundred ounces, the sum of seven pounds ten shillings.
- For 3100, 7l. 15s. And for and upon three thousand one hundred ounces, and any greater quantity not amounting to three thousand two hundred ounces, the sum of seven pounds fifteen shillings.
- For 3200, 8l. And for and upon three thousand two hundred ounces, and any greater quantity not amounting to three thousand three hundred ounces, the sum of eight pounds.
- For 3300, 8l. 5s. And for and upon three thousand three hundred ounces, and any greater quantity not amounting to three thousand four hundred ounces, the sum of eight pounds five shillings.
- For 3400, 8l. 10s. And for and upon three thousand four hundred ounces, and any greater quantity not amounting to three thousand five hundred ounces, the sum of eight pounds ten shillings.
- For 3500, 8l. 15s. And for and upon three thousand five hundred ounces, and any greater quantity not amounting to three thousand six hundred ounces, the sum of eight pounds fifteen shillings.
- For 3600, 9l. And for and upon three thousand six hundred ounces, and any greater quantity not amounting to three thousand seven hundred ounces, the sum of nine pounds.
- For 3700, 9l. 5s. And for and upon three thousand seven hundred ounces, and any greater quantity not amounting to three thousand eight hundred ounces, the sum of nine pounds five shillings.

And

And for and upon three thousand eight hundred ounces, and For 3800, any greater quantity not amounting to three thousand nine hundred ounces, the sum of nine pounds ten shillings. 9l. 10s.

And for and upon three thousand nine hundred ounces, and For 3900, any greater quantity not amounting to four thousand ounces, 9l. 15s. the sum of nine pounds fifteen shillings.

And for and upon four thousand ounces, and upwards, the For 4000 and sum of ten pounds. upwards, 10l.

Which several rates and duties shall be paid yearly and every year by all persons and bodies politick or corporate, who on the said fifth day of July one thousand seven hundred and fifty six, or afterwards, shall own, use, have or keep any quantity of silver plate chargeable by this act.

II. And be it further enacted by the authority aforesaid, That such of the said rates and duties by this act granted, as are or shall be so chargeable for and upon silver plate in England, Wales or the town of Berwick upon Tweed, shall be under the management of the commissioners of excise in England for the time being; and such of the said rates and duties by this act granted as are or shall be so chargeable for and upon silver plate in Scotland, shall be under the management of the commissioners of excise in Scotland for the time being; which commissioners of excise in England and Scotland respectively are hereby empowered to appoint proper officers for collecting and receiving the said rates and duties; and all monies arising by the said rates and duties (the necessary charges of raising and accounting for the same excepted) shall from time to time be paid into the receipt of his Majesty's exchequer at Westminster, distinctly and apart from all other branches of the publick revenues, and shall for the purpose aforesaid be carried into and made part of the fund commonly called *The Sinking Fund*.

III. And it is hereby enacted by the authority aforesaid, That all persons and bodies politick or corporate, who on the said fifth day of July one thousand seven hundred and fifty six shall own, use, have or keep any quantity of silver plate chargeable by this act, in London, Westminster, or in any other parts within the limits or jurisdiction of the chief office of excise in London, shall, within thirty days after the said fifth day of July one thousand seven hundred and fifty six, give notice and make true entry in writing at the said chief office of excise of their owning, using, having or keeping such silver plate, and of the number of ounces of such plate chargeable by this act, wheresoever the same, or any part thereof, shall be kept, and of the parish or place, or parishes or places where such persons shall respectively inhabit, or where such bodies politick or corporate shall respectively be situate, distinguishing in such notice whether the same be given on their own account, or on the account of any other, and what person or persons, or body or bodies politick or corporate; and all persons and bodies politick or corporate, who after the said fifth day of July one thousand seven hundred

and fifty six shall own, use, have or keep any quantity of silver plate chargeable by this act, in *London, Westminster*, or in any parts within the limits or jurisdiction of the chief office of excise in *London*, shall, within twenty days next after such persons or bodies politick or corporate respectively shall begin to own, use, have or keep any quantity of silver plate chargeable by this act, give the like notice, and make the like entry at the said chief office of excise; and all persons and bodies politick and persons in other parts to give like notice,

or corporate who on the said fifth day of *July* one thousand seven hundred and fifty six shall own, use, have or keep any quantity of silver plate chargeable by this act, in any other part of *Great Britain*, shall, within forty days after the said fifth day of *July* one thousand seven hundred and fifty six, give the like notice, and make the like entry at the office of excise next to the place where such persons shall respectively inhabit, or where such bodies politick or corporate shall respectively be situate; and all persons and bodies politick or corporate, who after the said fifth day of *July* one thousand seven hundred and fifty six, shall own, use, have or keep any quantity of silver plate chargeable by this act, in any other part of *Great Britain*, shall, within twenty days next after such persons or bodies politick or corporate shall respectively begin to own, use, have or keep any quantity of silver plate chargeable by this act, give the like notice, and make the like entry at the office of excise next to the place where such persons shall respectively inhabit, or where such bodies politick or corporate shall respectively be situate;

at the next office of excise; and make payment at the same time of the duties.

Respective times of computing the duties.

and make payment at the same time of the duties.

Persons or bodies politick or corporate respectively shall, at the time of giving such notice and making such entry, pay down the respective annual rates and duties chargeable by this act; and the respective rates and duties so to be paid by all such persons and bodies politick or corporate, who on the said fifth day of *July* one thousand seven hundred and fifty six, shall own, use, have or keep any quantity of silver plate chargeable by this act, shall annually be computed or deemed payable from the said fifth day of *July* one thousand seven hundred and fifty six; and the respective rates and duties so to be paid by all persons and bodies politick or corporate, who after the said fifth day of *July* one thousand seven hundred and fifty six, shall own, use, have or keep any quantity of silver plate chargeable by this act, shall annually be computed and deemed payable from the time of their first beginning to own, use, have or keep such silver plate.

Fresh notice to be given, and duties to be paid annually.

IV. And be it further enacted by the authority aforesaid, That all persons and bodies politick or corporate, who shall give, or be obliged to give such notice as aforesaid, shall, within thirty days next after the commencement of each year, for which the said rates and duties shall be payable, give a fresh notice in manner aforesaid, and pay down the respective annual rates and duties above-mentioned, according to the number of ounces of silver plate chargeable by this act, which they shall then respectively own, use, have or keep, and shall in the same manner renew such notice, and make such payment from year to year, as long

long as they shall respectively continue to own, use, have or keep any quantity of silver plate chargeable by this act, and if any person or body politick or corporate so owning, using, having or keeping any silver plate chargeable by this act, shall refuse or neglect to give uch first notice, and make such entry and payment as aforesaid, or to renew such notice, and make such entry and payment yearly and every year in manner aforesaid, or shall, with intent to defraud his Majesty of any of the rates and duties granted by this act, conceal, or cause or procure to be concealed any silver plate, which he or she, or such body politick or corporate shall own, use, have or keep, then and in every such case, every such person or body politick or corporate acting contrary to the respective directions of this act, shall for every such offence respectively forfeit and lose the sum of twenty pounds.

V. Provided always, That nothing in this act contained shall extend to oblige any person or body politick or corporate to give any such fresh notice, and make any such new entry or payment between the commencement and expiration of the year, for which any such rates or duties shall have been paid; although such person or body politick or corporate may have acquired in the mean time the property, use, possession or custody of any additional quantity of silver plate; any thing herein contained to the contrary thereof in any wise notwithstanding.

VI. Provided always, and be it enacted by the authority aforesaid, That in every case where the duty or duties required by this act to be paid, by any person or body politick or corporate, chargeable with the same, shall be paid, and notice given, and entry made as aforesaid, before any information laid for not having given such notice, and made such entry and payment, or prosecution begun for the same, no person or body politick or corporate, having given such notice, and made such entry and payment, although not strictly within the time prescribed by this act, shall be afterwards prosecuted for not having given such notice, and made such entry and payment, within the time limited as aforesaid; any thing herein contained to the contrary thereof in any wise notwithstanding.

VII. Provided always, and it is hereby enacted by the authority aforesaid, That nothing herein contained shall extend to charge with the duties payable by virtue of this act, any persons or bodies politick or corporate, who on the said fifth day of July one thousand seven hundred and fifty six, or at any time afterwards, shall keep and not use any silver plate, which hath been or shall be pledged to, or deposited with them respectively, by any other person or persons, or body or bodies politick or corporate?

VIII. Provided nevertheless, That the true owner or owners of such plate so pledged or deposited, shall, during all such time as such plate shall be so kept, and not used by the person or persons, or body or bodies politick or corporate, to whom piedged plate, such plate shall be so pledged, or with whom the same shall be

Owners to enter and pay duty for such piedged plate.

so deposited, be liable to pay the rates and duties chargeable by this act, in respect of such plate, and to give notice, and make such entry and payment as aforesaid.

**Church plate,  
and stock in  
trade not li-  
able.**

**IX.** Provided also, and it is hereby enacted, That this act shall not extend to charge with any of the respective rates and duties granted by this act, any silver plate which shall belong to any place of religious worship, and which is, or shall be used therein only, nor the stock in trade of any goldsmith, silversmith, manufacturer, seller of, or dealer in silver plate.

**Dealers to en-  
ter and pay  
for plate in  
use.**

**X.** Provided nevertheless, That every such goldsmith, silversmith, manufacturer, seller of, or dealer in silver plate, shall give such first notice, and make such entry and payment as aforesaid, and from time to time renew such notice and make such entry and payment yearly and every year, in manner herein before directed, for and in respect of all such silver plate as shall be used by him or in his family, on pain to forfeit for every neglect or refusal to give any such notice, and make such entry or payment as aforesaid, the sum of twenty pounds.

**Persons who  
have made en-  
try and pay-  
ment dying  
within the  
year,**

**XI.** Provided also, and be it further enacted by the authority aforesaid, That if any person having given due notice, and made due entry and payment of the duty, for any quantity of silver plate, chargeable by this act, according to the true intent and meaning thereof, shall die before the end of the year for which such payment shall be made, in every such case, it shall and may be lawful for the person or persons, body or bodies politic or corporate, in whom the property of such silver plate shall immediately be vested upon such death, to use, have and keep such silver plate, for or in respect whereof such duty shall have been paid as aforesaid, during the residue of the year for which such payment shall have been made, in like manner as such deceased person might have done if living.

**Upon pay-  
ment of the  
duties, entry  
to be made by  
the officer, of  
the persons  
and quantity  
of plate  
chargeable.**

**XII.** And be it further enacted by the authority aforesaid, That upon the payment of the said respective rates and duties so hereby granted at the said respective offices of excise, the names, stiles and titles of the respective persons, bodies politic or corporate, by whom or on whose account the same shall be so paid, and the number of ounces of silver plate chargeable by virtue of this act on such persons, or bodies politic or corporate respectively, and the names of the parish or place, or parishes or places, where such person shall respectively inhabit, or such bodies politic or corporate shall respectively be situate, shall be entered in a register to be kept at the said respective offices of excise for that purpose, by the person so receiving the same; and a receipt (of which an indented duplicate shall be kept by the person so receiving the said money) shall be given to every person so paying such respective rates and duties by the said person so receiving the same, which receipt shall contain the number of the said register, the number of the ounces of silver plate so respectively paid for, the sum so paid, and the time for which such sum shall have been so paid, and be a discharge to the respective persons, bodies politic or corporate,

**Receipt to be  
given.**

whc

who shall so own, use, have or keep such silver plate, for the rates and duties payable for such number of ounces of silver plate, wheresoever the same shall be respectively used or kept,

XIII. And be it further enacted by the authority aforesaid, Prosecutions That all prosecutions for the recovery of the rates and duties for the recovery hereby granted, and for forfeitures and offences incurred and very of the committed against this act, or any clause or article therein contained, shall and may be heard, adjudged and determined, either terminable in by bill, plaint or information, in any of his Majesty's courts of Westminster Hall, and record at Westminster, or in the court of exchequer in Scotland, court of ex- if such forfeiture shall be incurred there; or in such manner and chequer in form as hereafter is directed; that is to say, all prosecutions for Scotland, forfeitures and offences incurred and committed within the limits or by the com- or jurisdiction of the chief office of excise in London, shall and missioners of may be heard, adjudged and determined by any three or more excise, it with- of the commissioners of excise in England, for the time being; and in case of appeal from the judgment of the said commission- London, ders (and not otherwise) shall be heard, adjudged and determined and in case of by the commissioners for appeals, for the time being, or the appeal from major part of them, whose judgment therein shall be final; and commissioners all prosecutions for forfeitures and offences incurred and com- of appeals; mitted within all or any other the counties, shires, stewartries, or in other cities, towns or places within the kingdom of Great Britain, or more ju- shall and may be heard, adjudged and determined, by any two justices. or more of the justices of the peace residing near to the place where such forfeiture shall be incurred or offence committed; and if either the informers or defendants shall think themselves aggrieved by the judgment given by such justices, it shall and may be lawful for every such informer or defendant to appeal to the justices of the peace at the next quarter sessions to be holden in and for the county, shire, stewartry, city, town or place where the forfeitures shall be incurred, who are hereby authorized and empowered to hear, adjudge and determine the same, and whose judgment therein shall be final; and the said commissioners for excise, and commissioners for appeals (in case of appeal) and all justices of the peace aforesaid respectively, are hereby authorized and required, upon complaint or information upon oath exhibited and brought before them respectively, for any forfeiture incurred or offence committed by any person or persons contrary to this act (which oath the said commissioners and justices of the peace respectively, are hereby authorized to administer) to summon the party or parties accused; and in case of any such complaint or information exhibited against any body politick or corporate, to summon the chief officer or officers of such body politick or corporate, and upon the appearance or contempt of any such person so summoned, to proceed to the examination of the matter of fact; and upon due proof made thereof either by the voluntary confession of the person or persons so summoned, or to be given by the oath of one or more credible witness or witnesses (which last they the said commissioners and justices respectively, have hereby power to administer) to give judgment or sentence thereupon;

Forfeitures to  
be levied by  
distress and  
sale.

For want of  
distress, of-  
fender to be  
committed.

One moiety of  
the forfeitures  
to the crown,  
the other to  
the informer.

Persons sued  
may plead the  
said, That if any person or persons shall be sued, moleſted or  
prosecuted for any thing done by virtue or in purſuance of this  
act, or any the clauies herein contained, such person or persons  
shall and may plead the general iſſue, and give this act and the  
ſpecial matter in evidence, for his, her or their defence; and if  
afterwards on a trial, a verdict ſhall paſſ for the defendant or de-  
fendants, or the plaintiff or plaintiffs ſhall diſconinue his, her  
or their action or actions, or be nonsuited, or judgment ſhall be  
given againſt him, her or them upon demurſer, or otherwise,  
then ſuch defendant or defendants ſhall have treble coſts to him,  
her or them awarded, againſt ſuch plaintiff or plaintiffs.

and recover  
tieble coſts.

### C A P. XV.

*An aet for granting a bounty upon certain species of British and Irish linens exported; and taking off the duties on the importation of foreign raw linen yarns made of flax.*

W H E R E A S the wealth and proſperity of this kingdom do very much depend upon the preſervation and improvement of the manuſtucre thereof: and whereaſ the manuſtucre of linen would be greatly improved, and the exportation of it to foreignt parts conſiderably increased, if a bounty was allowed on the exportation of all British and Irish linens of a certain value, and the duties payable upon the importation of raw or brown linen yarn made of flax were discontinued: may it therefore please your Maſteſty that it may be enacted; and be it enacted by the King's moſt excellent maſteſty, by and with the advice and conſent of the lords ſpiriual and temporal and commons in thiſ preſent parliaſment assembled, and by the authority of the ſame, That there ſhall be given and paid without any ſee, reward or deduction whatſoever, a bounty for every yard of British and Irish linens made of hemp or flax, and of the breadth of twenty five inches or more, under the value of five pence per yard, the ſum of one halfpenny; and of der 5 a. per

the

the value of five pence per yard, and under the value of six yard 2 q. of pence per yard, the sum of one penny; and of the value of 5 d. and under six pence per yard, and not exceeding the value of eighteen 1 d. of 6d. and pence per yard, the sum of one penny half-penny, which from not exceeding and after the twenty fourth day of June in the year one thousand seven hundred and fifty six, and within the term of fifteen years, to commence from the said twenty fourth day of June, or at any time thereafter before the end of the then next session of parliament, shall be exported out of Great Britain to Africa, America, Spain, Portugal, Gibraltar, the island of Minorca, or the East Indies; which said bounty shall be paid upon demand to the exporter of such linens, or the seller thereof for exportation, by the collector of the port from whence the same shall be exported, out of the monies that shall be in his hands, arising from any of the duties, revenues and customs, collected and received at such port; and in case any collector of the customs in any cut-port in South Britain, or of any port in North Britain, shall not have money sufficient in his hands to pay such bounty, that then every such collector shall, if thereunto required, forthwith without fee or reward give to the person or persons intituled to such bounty, a certificate under his hand, attested by the comptroller, certifying to the commissioners of his Majesty's customs at London, if such linens are exported from any port in that part of Great Britain called England, or to the commissioners of his Majesty's customs at Edinburgh, if such linens are exported from any port in that part of Great Britain called Scotland, that he hath not money in his hand sufficient to pay the said bounty, and also what is due for the same to such person or persons, and upon producing such certificate, and the debenture of the linens exported, the said respective commissioners of the customs shall cause to be paid without fee or reward, by the receiver general or cashier of the customs at London or Edinburgh respectively, to the person or persons producing every such certificate and debenture the sum or sums of money so certified to be due, out of the monies arising from any of the duties, revenues and customs under the management of such respective commissioners; and if the receiver general or cashier of the customs at Edinburgh shall not have money sufficient in his hands to pay the bounty so certified to be due, the commissioners of his Majesty's customs at Edinburgh, or any three of them, shall forthwith, without fee or reward, give such exporter or seller for exportation, a certificate certifying the same to the commissioners of his Majesty's customs at London; which certificates being affixed to the debentures for the bounty of the said linens so exported, and being produced to the said commissioners of his Majesty's customs at London, they the said commissioners are hereby authorized and required on demand by such exporter or seller for exportation, or other person legally authorized to receive the same, that shall bring such certificate and debenture, to cause the money thereby certified to be due, to be paid by the receiver general or cashier of the customs without fee or reward, out for the term of 15 years.

out of the monies that shall be in his hands, arising from any of the duties, revenues and customs, under the management of the said commissioners at London.

Quantity and value of the linens to be entered and endorsed on the cocquet, and certificate from the searcher produced, and security given for not re-landing.

and oath to be made of the value and manufacture.

Searcher may examine if the goods agree with the entry and cocquet,

if right, they are to be repacked at his charge.

Linens entered for the bounty of greater value than 1 s 6 d. per yard, to be delivered on demand into the King's warehouse,

II. Provided always, That the exporter or seller for exportation, of such *British* and *Irish* linens, shall in his entry thereof express the quantity and value, and likewise endorse on the cocquet granted upon such entry, the true quantity and value of the linens intended to be shipped; and moreover shall, before he receive such bounty, produce a certificate from the searcher or other proper officer appointed to see the same shipped, verifying the shipping thereof, and shall likewise give sufficient security to the collector or customer of the port, in the penalty of double the value of the goods intended to be exported, and one hundred pounds (which security every such collector or customer is hereby impowered and required to take in the name and to the use of his Majesty, his heirs and successors) that such linens so shipped or intended to be shipped, or any part thereof, shall not be relanded or brought on shore again in any port or part of *Great Britain, Ireland, or The Isle of Man*; and shall also, before he receives any such bounty, make oath (which oath the proper officers of the customs have hereby power to administer) of the value of such linens, and that the same were made in *Great Britain or Ireland*.

III. And in order to prevent abuses in obtaining the said bounty, be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any searcher, or other proper officer, after the entry of any linens, as being intitled to the said bounty, and before or after the shipping thereof, to open and strictly examine any bale, truss, cheit or other package, to see if the goods are right entered and endorsed on the cocquet; and if on such examination the same shall be found to be right entered and endorsed, the searcher shall at his own charge cause the same to be repacked; which charge shall be allowed to the said officer by the commissioners of the customs if they think it reasonable.

IV. And be it further enacted by the authority aforesaid, That if upon view and examination by the proper officers of the customs it shall appear that all or any piece or pieces of linen which shall be entered for exportation, as intitled to the bounty hereby granted, is or are of greater value than one shilling and six pence per yard, then and in such case, the exporter or seller of such linen for exportation, shall on demand made in writing by the customer or collector and comptroller of the port where such goods or merchandizes are entered, deliver or cause to be delivered, so many pieces of such linen as shall be demanded by the said officer, into his Majesty's warehouse at the port of exportation, for the use and benefit of the crown; and upon such delivery, the customer or collector of such port with the privity of the comptroller, shall, out of any money in the hands of such customer or collector arising by customs or other duties belonging to the crown, pay to such exporter or seller for exportation, the

the value of one shilling and seven pence *per yard*, taking a and i.e. 7 d. receipt for the same from such exporter or seller for exportation, per yard to be paid for the in full satisfaction for the said goods, as if they had been regularly sold ; and the respective commissioners of the customs shall cause the said goods to be fairly and publickly sold for the best told publickly, advantage ; and out of the produce thereof, the money so paid or advanced as aforesaid, shall be repaid to such customer or collector, with the privity of the comptroller, to be replaced to such funds from whence the same was borrowed ; and if any overplus shall remain, after defraying the expences of such sale, and the necessary charges incident thereto, one moiety of such Overplus how part of the sinking fund, and the other moiety to the proper officers who shall have searched and examined such linens.

V. And be it further enacted by the authority aforesaid, That if any person or persons shall enter for exportation any linen at any value, not exceeding the value of one shilling and six pence *per yard*, and which, upon the view and examination of the proper officers of the customs, shall be thought to be of greater value than one shilling and six pence *per yard*, and shall, on demand made in writing by the customer or collector, and comptroller of the port where such linen is entered for exportation, refuse to deliver, or cause to be delivered, all or any of the pieces of such linen into his Majesty's warehouse at such port, for the use and benefit of the crown, and to receive from the said officers, of the customs at the said port the value of one shilling and seven pence *per yard* for such linen, in full satisfaction for the same ; or if the proper officers of the customs shall, upon view and examination, find any such linen which shall be entered for exportation at the value of six pence *per yard*, or above that value, not exceeding eighteen pence *per yard*, to be under the value of six pence *per yard*, or which shall be entered at the value of five pence *per yard*, or above that value, and not amounting to the value of six pence *per yard*, to be under the value of five pence *per yard* ; or if such linen shall be less in quantity than shall be expressed in the said indorsement on the said entry or cocquet, or shall not be of the breadth of twenty five inches at the least ; or if the same shall be entered and indorsed under a wrong denomination, whereby the said bounty, or any part thereof, would have been fraudulently obtained ; that then, and in every such case, all such linen which shall be refused to be delivered, or that shall be under the value of six pence *per yard*, or five pence *per yard* respectively, or shall appear to be less in quantity than expressed in such indorsement, or be under the breadth of twenty five inches, or entered and indorsed under a wrong denomination, and also all the goods contained in all and every the package or packages indorsed on the said entry or cocquet, shall be forfeited and lost, and shall and may be seized by any officer or officers of the customs ; and to be forfeited, with the package.

VI. And

Linen re-  
landed to be  
forfeited,

with 1s. per  
yard.

Striped and  
chequered li-  
nen, &c. ex-  
cepted.

Irish linen re-  
ceiving the  
bounty, ex-  
porter to make  
oath, that the  
same is the  
property of  
some person in  
Great Britain  
or America.

Species of Irish  
linens except-  
ed from  
bounty.

Bonds and  
debentures  
excepted from  
stamp duties.

200l. penalty,  
and 12 months  
imprisonment,  
on making a  
false oath.

Where seiz-  
ures, penalties  
and forfeitures  
may be prose-  
cuted.

VI. And be it also further enacted by the authority aforesaid, That if any British or Irish linen for which the bounty shall have been given or claimed, shall be relanded in Great Britain, Ireland, or The Isle of Man, the same shall be forfeited; and every person concerned in bringing back or relanding the same, shall forfeit one shilling for every yard so brought back or relanded.

VII. Provided always, That nothing in this act contained shall extend, or be construed to extend, to give any bounty on any linens that are striped or chequered, or printed or painted, or made into buckram or tilletings.

VIII. Provided also, and be it further enacted by the authority aforesaid, That no linen of the manufacture of Ireland, to be exported from Great Britain, shall be intitled to the bounty, unless such linen shall be, at the time of such exportation, the property of a person or persons residing in Great Britain, or in some of his Majesty's colonies or plantations in America, of which the exporter or seller for exportation of such Irish linens is hereby required to make oath, before the proper officer or officers of the customs of the port where such Irish linen shall be entered for exportation; which oath such officer or officers is or are hereby empowered to administer.

IX. And be it enacted by the authority aforesaid, That the species of Irish linen made of flax and hemp, whereof the piece or bolt contains thirty eight yards in length, and twenty four inches in breadth, and cloths of different lengths and breadths in proportion from number one to number ten inclusive, which shall weigh fifteen pounds weight or upwards, to forty four pounds weight, as the same is described in an act made in the ninth year of the reign of his present Majesty, intituled, An act for further encouraging and regulating the manufacture of British sail cloth; and for the more effectual securing the duties now payable on foreign sail cloth imported into this kingdom, shall not be intitled to any bounty or reward by virtue or in consequence of this act; any thing in this or any former act contained to the contrary in any wise notwithstanding.

X. Provided always, and be it further enacted, That all bonds taken or to be taken, and debentures made or to be made, pursuant to this act, shall not be chargeable with any of the duties upon stamp vellum, parchment or paper; any law or statute made or to be made to the contrary notwithstanding.

XI. And be it further enacted by the authority aforesaid, That if any person shall falsely make any oath by this act directed to be made, and shall thereof be legally convicted in any of his Majesty's courts of record in Great Britain, every such person shall forfeit the sum of two hundred pounds, and be imprisoned for twelve months.

XII. And be it further enacted by the authority aforesaid, That the several seizures, penalties and forfeitures in this act mentioned, shall and may be prosecuted and determined by bill, may be pro se-plaint or information, in any of his Majesty's courts of record at Westminster, or in the court of exchequer in Scotland respectively,

ively, wherein no escom, protection, privilege, wager of law, or more than one imparlance shall be allowed; and one moiety of the said seizures, penalties and forfeitures, shall be to the use of the King's majesty, and the other moiety to such person or persons as will sue for or prosecute the same; and in case in any such suit it shall be made a question whether any such linen is of the manufacture or fabrick of Great Britain or Ireland, or of any foreign country, in such case the *Onus Probandi* thereof shall lie upon the exporter or seller thereof for exportation.

In case of question concerning where linen were manufactured, proof to lie on the exporter.

XIII. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of June, no subsidy, custom, rate, duty, or other imposition whatsoever, shall be demanded, collected, received or taken, upon any raw or brown linen yarns, made of flax, and known by the names of Dutch yarn and French yarn, and of Spruce or Muscovia yarn, or any other foreign raw or brown linen yarns made of flax, which shall be imported into this kingdom; but that all such linen yarns shall and may be imported duty-free, for the space of fifteen years from the said twenty fourth day of June, or at any time thereafter, before the end of the then next session of parliament; any former law, statute, or act or acts of parliament, to the contrary notwithstanding: and in case any question shall arise in respect of yarn imported duty free, whether such yarn be made of flax or not, the *Onus Probandi* shall lie upon the importer or claimer thereof.

Duty on foreign linens imports ed,

taken off for the term of 15 years.

In case of question relating to the same, proof to lie on the importer.

XIV. Provided always, and be it further enacted by the authority aforesaid, That a due entry shall be made of all such foreign raw or brown linen yarns, at the custom-house belonging to the port into which the same shall be imported, in such manner and form, and expressing the quantities and species of such raw or brown linen yarns, as were used and practised before the making of this act; and such yarn shall be landed in the presence of the proper officer or officers of the customs appointed for that purpose; and the importation thereof, be in ships or vessels built in Great Britain, Ireland, or his Majesty's dominions in America, and navigated according to law; and if any person or persons upon the importation of any foreign raw or brown linen yarn made of flax, shall not observe and perform the said conditions and directions herein before mentioned, every such person shall be liable to and pay such and the same duties, as such yarn would have been liable to, if this act had not been made; any thing in this act contained to the contrary notwithstanding.

Entry to be made of such yarn,

Conditions to be observed in importing,

on failure of which, duties

XV. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, the defendant or defendants in any such action or suit may plead the general issue, and give this act and the special matter in evidence, at any trial to be had thereupon; and that the same was done in pursuance and by the authority of this act; and if it shall appear so to have been done, the jury shall find for the de-

Persons sued on account of this act, may plead the general issue.

and recover  
treble costs.

tendant or defendants; and if the plaintiff shall be nonsuited; or discontinue his action, after the defendant or defendants shall have appeared; or if judgment shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same, as any defendant or defendants hath or have in other cases by law."

## C A P. XVI.

*An act to empower his Majesty to prohibit the exportation of salt petre; and to enforce the law for empowering his Majesty to prohibit the exportation of gunpowder, or any sort of arms or ammunition; and also to empower his Majesty to restrain the carrying coastwise of salt petre, gunpowder, or any sort of arms or ammunition.*

WHEREAS by the act of tonnage and poundage made in the twelfth year of the reign of King Charles the Second, power is expressly reserved to his Majesty to prohibit, at and for such times as he should see cause, the transporting of gunpowder, or any sort of arms or ammunition, into any parts out of this kingdom: and whereas salt petre is absolutely necessary to the making of gunpowder, and the publick safety may require temporary restraints upon the exportation thereof, at critical conjunctures: therefore to prevent all doubts, be it hereby declared and enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That his Majesty may, by proclamation or order in council, when he shall see cause, and for such time as shall be therein expressed, prohibit the exporting, or attempting to export, salt petre out of this kingdom, in such manner and under such restraints as he shall think fit.

His Majesty  
empowered by  
proclamation,  
or order of  
council, to  
prohibit the  
exportation of  
salt petre.

Salt petre,  
gunpowder,  
arms, or am-  
munition,  
shipped after  
such prohibi-  
tion,

to be forfeit-  
ed, &c.

and owner to  
pay 100l. for  
every C. wt.  
of such salt  
petre and  
gunpowder;  
100l. for every  
25 arms.

II. And it is hereby further enacted, That whatever quantity or quantities of salt petre, gunpowder, or any sort of arms or ammunition prohibited by proclamation or order in council to be exported, shall be shipped or laden on board any ship or vessel in any of the port or ports of Great Britain, in order for exportation, contrary to such proclamation or order, all such salt petre, gunpowder, or any sort of arms or ammunition, prohibited by proclamation or order in council to be exported, shall be forfeited, and may be seized by warrant from any magistrate, or by any custom-house, impost, or excise officer; and the owner or owners of such salt petre, gunpowder, or any sort of arms or ammunition prohibited by proclamation or order in council to be exported, as shall be so shipped for exportation, shall severally and respectively, forfeit and pay the sum of one hundred pounds for every hundred weight of salt petre and gunpowder, and so in proportion for any lesser quantity; and one hundred pounds for every five and twenty arms, and so in proportion for any greater or lesser number; and one hundred pounds for

for every two hundred weight of any species of ammunition, and soool. for and so in proportion for any lesser quantity, prohibited by pro- every CC. wt. clamation or order in council to be exported, so shipped for ex- of other am- portation.

III. And be it further enacted, That if any person or per- and aiders in sons shall be aiding or assisting in the shipping or lading any salt shipping there- petre, gunpowder, or any sort of arms or ammunition for ex- of, to forfeit portation, during the time it shall be so prohibited by procla- tool. and tie- mation or order in council, contrary to such proclamation or order, mable value; every such person shall forfeit and pay one hundred pounds, and treble the value of such salt petre, gunpowder, or any sort of arms or ammunition prohibited by proclamation or order in coun- cil to be exported.

IV. Provided also, and be it hereby further enacted, That if any master of any ship or vessel shall lade or take on board, or suf- and the ma- fer or permit to be laden or taken on board, any salt petre, gun- ster tool. powder, any sort of arms or ammunition for exportation, during the time it shall be so prohibited to be exported as aforesaid, every such master shall forfeit the sum of one hundred pounds.

V. Provided always, and be it further enacted by the auth- The same rity aforesaid, That this act, and every clause, matter and thing may be pro- herein contained, shall extend, and be construed to extend, to being carried impower his Majesty to prohibit the shipping of any salt petre, coalwise. gunpowder, or any sort of arms or ammunition, in order to be carried coastwise, in like manner as he is by this act impowered to prohibit the exportation of salt petre.

VI. And it is hereby further enacted, That the penalties be- Application fore in this act mentioned and provided, shall be divided into of the penal- three several parts, two third parts thereof to his Majesty, his ties. heirs and successors, and the other third part thereof to such person or persons as shall seize or sue for the same, by bill, plaint or information in any of his Majesty's courts of exche- quer in Great Britain, wherein no escaun, protection, or wager of law, shall be allowed.

### CAP. XVII.

*An act to prevent his Majesty's subjects from serving as officers under the French King; and for the better enforcing an act passed in the ninth year of his present Majesty's reign, to prevent the infesting his Majesty's subjects to serve as soldiers without his Majesty's licence; and for obliging such of his Majesty's subjects as shall accept commissions in the Scotch Brigade, in the service of the states general of the united provinces, to take the oaths of allegiance and abjuration.*

WHEREAS divers of his Majesty's subjects have been induced to serve as officers under the French King, which practice is highly to the dishonour, and is greatly prejudicial to the safety and welfare of this kingdom: for remedy thereof; be it enacted by the King's most excellent majesty, by and with the advice

and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That if any subject of the crown of Great Britain, from and after the first day of May one thousand seven hundred, and fifty six, shall take or accept of any military commission, or otherwise enter into the military service of the French King, as a commissioned or non-commissioned officer, without leave or licence of his Majesty, his heirs or successors, first had and obtained for that purpose, under the sign manual of his Majesty, his heirs or successors, every such person so offending, being thereof lawfully convicted, shall be taken, deemed and adjudged to be guilty of felony, and shall suffer death as in cases of felony, without benefit of clergy.

Accepting of  
any military  
commission,  
&c. in the  
French King's  
service, with-  
out leave un-  
der the sign  
manual, felon-  
y.

Officers and  
soldiers return-  
ing within a  
limited time  
to their duty  
and allegiance,  
&c. the oaths,

exempted  
from penal-  
ties,

otherwise,  
they are ha-  
ble to be ad-  
judged of  
felony,

and suffer  
death.

9 Geo 2. c 30.

II. And be it further enacted by the authority aforesaid, That if any commissioned or non-commissioned officer, or private soldier (being a subject of the crown of Great Britain) who may be now in the said service, without his Majesty's licence first had and obtained as aforesaid, do and shall, on or before the twenty ninth day of September one thousand seven hundred and fifty seven, return into this kingdom, with intent to become, and shall become, a dutiful and faithful subject to his Majesty, his heirs and successors, and surrender himself to any one or more of his Majesty's justices of the peace within this kingdom, and shall within the time aforesaid, with good and sufficient sureties, enter into a sufficient recognizance to appear at the next general assizes, or general quarter sessions of the peace to be held for the county in which he or they shall so surrender, and shall at such general assizes, or quarter sessions of the peace, take and subscribe the oaths of allegiance and abjuration in open court, such officer or soldier shall from thenceforth be exempted and freed from all offences, penalties and forfeitures created by this act, or by any other act, against enlisting in foreign service; any thing in this act, or in any former act, to the contrary thereof in any wise notwithstanding.

III. And be it further enacted, That if any commissioned or non-commissioned officers or private soldiers (subjects of the crown of Great Britain) who are now in the service of the French King, shall remain and continue in such service, from and after the said twenty ninth day of September one thousand seven hundred and fifty seven, without leave or licence from his Majesty, his heirs and successors first had and obtained, under the sign manual of his Majesty, his heirs or successors, all and every such persons and person so offending, being thereof lawfully convicted, shall be taken, deemed and adjudged to be guilty of felony, and shall suffer death as in cases of felony, without benefit of clergy.

IV. And whereas a practice has been introduced in order to evade and elude the provisions made by an act passed in the ninth year of his present Majesty's reign, intituled, An act to prevent the listing his Majesty's subjects to serve as soldiers without his Majesty's licence, by hiring, retaining, or procuring his Majesty's subjects to

go beyond the seas, or embark, with an intent upon their arrival abroad, to enlist and enter themselves to serve as soldiers in foreign service, without actually giving them any enlisting money at the time of their so procuring them to go abroad, with the intent aforesaid: and whereas a doubt has arose, whether the so hiring, retaining or procuring, his Majesty's subjects, with intent to embark, and go beyond the seas, to be enlisted when abroad to serve as soldiers in foreign service, without actually paying to such persons, and their receiving enlisting money here from the persons so hiring, retaining or procuring, be an enlisting within the meaning and intention of the said act of the ninth of his present Majesty, as to make such person liable to the provisions and penalties of the said act: for removing the said doubt, and for the more effectually preventing a practice so highly detrimental to this kingdom; be it declared and enacted, That if any subject of the crown of Great Britain hath engaged, contracted or agreed, or shall engage, contract or agree, within the kingdom of Great Britain or Ireland, to go beyond the seas, or embark, with an intent and in order to enlist and enter himself to serve as a soldier in any foreign service, though no enlisting money be actually paid to or received by him; or if any person hath hired, retained, engaged or procured, or shall hire, retain, engage or procure any subject of his Majesty, his heirs or successors, though no enlisting money hath been or shall be actually paid to or received by him, to agree to go beyond the seas, or embark, with an intent and in order to be enlisted to serve any foreign prince, state or potentate, as a soldier, without leave or licence of his Majesty, his heirs or successors, first had and obtained for that purpose, every such person so offending, being thereof lawfully convicted, shall be adjudged to be guilty of felony, and shall suffer death as in cases of felony, without benefit of clergy.

V. And whereas it is highly necessary that officers of troops composed of British subjects and recruited in Great Britain, by his Majesty's permission, should not be permitted to enter into the service of any foreign power or state whatsoever, without giving the most solemn testimony of the allegiance which they owe to his most sacred Majesty; be it further enacted by the authority aforesaid, That if any of his Majesty's British subjects shall, from and after the twenty fourth day of June one thousand seven hundred and fifty six, accept of commissions in the corps in the service of their high mightinesses the states general of the united provinces, distinguished by the name of *The Scotch Brigade*, and who are not already in that service, every such person shall within six months after the date of such his commission, take and subscribe the oaths of allegiance and abjuration in one of his Majesty's courts at Westminster, or at the general assizes or general quarter sessions of the peace to be holden for some county, in that part of Great Britain called *England*, or in the court of session, court of justiciary, court of exchequer, in that part of Great Britain called *Scotland*, or in a sheriff or steward court, or before the justices of the peace at their quarter sessions there, or in the dominions of Subjects accepting commissions in the Scotch Brigade, in the states general's service, to take, &c.

and transmit a certificate thereof, with the date of their commission, to the secretary at war, to be registered, &c.

on penalty of  
500l.

Offences committed without this realm, may be tried in Great Britain.

Not to work corruption of blood.

tions of the states general, before his Majesty's minister there (who are hereby impowered to administer such oaths); and every such officer shall within six months after he shall have taken and subscribed such oaths as aforesaid, transmit a certificate thereof signed by order of such court, or person or persons before whom the same shall have been so taken and subscribed, as before directed, together with an account of the date of his commission, to his Majesty's secretary at war for the time being, who is hereby required to register the names of all such officers, and the dates of their commissions; and such court, or person or persons, before whom such oaths are taken and subscribed, are hereby required to give such certificate to every such officer, as aforesaid; and every such officer not now in the service of the states general, who shall accept of a commission in the corps aforesaid, and shall not take and subscribe the oaths aforesaid, and transmit a certificate thereof in manner before directed, shall forfeit and pay the sum of five hundred pounds, to be recovered by action of debt, bill, plaint or information, in any of his Majesty's courts of record at Westminster, or in the court of session or exchequer in Scotland; one moiety whereof shall go to the person or persons who shall sue for the same, and the other moiety to his Majesty, within one year after such person so offending shall come into Great Britain.

VI. And be it further enacted by the authority aforesaid, That any offence against this act, though committed without this realm, shall and may be alledged to be committed, and may be laid, enquired of, and tried, in any county in Great Britain.

VII. Provided always, and be it enacted by the authority aforesaid, That no attaider for any offence made felony by this act, shall make or work any corruption of blood, loss of dower, or disinherition of heir or heirs.

### CAP. XVIII.

*An act to obviate a doubt arisen on an act made in the last session of parliament, intituled, An act for relief of insolvent debtors; and for relief of sheriffs and keepers of prisons, in respect to escapes of such persons as were prevented by the said doubt from being discharged under the said act.*

WHEREAS by an act passed in the last session of parliament, intituled, An act for relief of insolvent debtors; it is (amongst other things) enacted, That all sheriffs, gaolers or keepers of prisons in any county, riding, division, city, town, and liberty, within this kingdom, were required to make an exact alphabetical list of the names of all such persons who on the first day of January one thousand seven hundred and fifty five, were in their actual custody, together with the names of the persons at whose suit such prisoners were detained, and deliver the same upon oath to the justices at their first general or quarter sessions to be held after the thirty first day of March

March one thousand seven hundred and fifty five; as also to fix upon the gate of the said prisons true copies of the said lists ten days before said sessions: and it was thereby further enacted, That the persons whose names were inserted in such lists, and who at the time in the said recited act mentioned were in the actual custody of any sheriff or sheriffs, gaoler or gaolers, keeper or keepers of prisons, taking the oath, and giving such notice to their creditors as the said act requires, might be released and discharged from their imprisonment: and whereas it was in most places impracticable for sheriffs, gaolers, or keepers of prisons to deliver in lists at the time directed by the said act, as the first general or quarter sessions next after the thirty first day of March one thousand seven hundred and fifty five, was held before the said act passed into a law: and whereas a doubt has arisen, whether the justices in any general or quarter sessions of the peace held for any county, riding, division, city, town or liberty, within this kingdom, had, by the said above recited act, a power to discharge any prisoner or prisoners at any general or quarter sessions held subsequent to that held after the thirty first day of March one thousand seven hundred and fifty five; and whether the discharges of prisoners by the justices, in pursuance of the said recited act, have been legal: and whereas the justices of the peace for the county palatine of Lancaster, by reason of such doubt, have absolutely refused to discharge the prisoners in the gaols of their several jurisdictions; which case may likewise have happened in other places, whereby they are still detained in a loathsome prison: and whereas notwithstanding such doubt the justices in many counties have proceeded to discharge, and have discharged prisoners from many gaols in this kingdom, at the sessions held subsequent to that held next after the thirty first day of March one thousand seven hundred and fifty five; to obviate which doubt, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the justices of the peace for any county, riding, division, city, town or liberty, within this kingdom, at their quarter sessions, may order prisoners for debt on Jan. 1755. to be brought before them, to be discharged on their conforming to the recited act.

~~(within the time limited by the said recited act)~~ to direct and order the sheriff or sheriffs, gaoler or gaolers, keeper or keepers of prisons, to bring up any person or persons, who was, or were, in their actual custody, on the first day of January one thousand seyea hundred and fifty five; and upon such prisoner and prisoners parting the directions of the said former act, such justices may (if they see just cause) release and discharge such prisoner or prisoners from their imprisonment: any thing in this or the said former act to the contrary notwithstanding.

II. And be it further enacted by the authority aforesaid, That Sheriff or gaoler sued for escape of prisoner, who had complied with the re-action, cited act,

Anno viceimo nono GEORGI II. Q. 19. [1756.]

liable only for  
the estate or  
effects wasted  
or secreted  
since delivery  
of prisoner's  
schedule.

Discharge of  
prisoners in  
pursuance of  
the recit-  
ed act, declar-  
ed to be valid.

action, upon proof made that such prisoner had complied, as far as in him lay, with all the directions of the said act, and was detained in custody, only by reason of the said doubt, shall not be liable to answer or make satisfaction to the plaintiff, to any greater amount than the value of the estate and effects comprised in the schedule given in and sworn to by such prisoner, pursuant to the directions of the said act, in case the whole shall appear to have been wasted or secreted, or the value of so much thereof as shall appear to have been wasted or secreted, subsequent to the time when such schedule was delivered to the clerk of the peace.

III. And be it further enacted by the authority aforesaid, That all discharges of prisoners by the justices of the peace in pursuance of the herein before recited act, where such prisoners have complied with every direction of the said act, are hereby declared to be good and legal discharges, to all intents and purposes; and such justices, and all sheriffs, gaolers, keepers of prisons, and every other person or persons, acting under them, are hereby indemnified for what they may have done in pursuance thereof, in the same manner as if no such doubt had arisen.

### C A P. XIX.

*An act to empower justices of courts of record in cities and towns corporate, liberties and franchises, to set fines on persons who shall be summoned to serve upon juries in such court, and shall neglect to attend.*

WHEREAS the city of London, and many other cities and towns corporate, liberties and franchises, within this kingdom, have by royal grants, or by prescription, certain courts of record holden within such cities and towns corporate, liberties and franchises respectively, for the trial of actions and suits arising within the limits or jurisdictions of such cities and towns corporate, liberties or franchises respectively: and whereas great inconveniences and delays frequently happen to the suitors in those courts, by reason that persons duly impanelled and summoned to serve upon juries in such courts, refuse or neglect to appear and serve upon the same: and whereas such inconveniences and delays principally arise from want of power in the judge or judges of such courts, to compel persons who are impanelled and summoned to serve upon juries, for the trial of causes depending in such courts, to attend, or to fine them for their not attending: wherefore be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of June one thousand seven hundred and fifty six, every person duly impanelled and summoned to serve upon any jury for the trial of any cause to be tried in any court of record, holden or to be holden within the said city of London, or in any other city or town corporate, liberties or franchises, within the kingdom of England, who shall not appear and

Persons sum-  
moned to serve  
on juries, not  
attending.

and serve on such jury (after being openly called three times, and on proof being made on oath of the person so making default having been duly summoned) shall forfeit and pay for every to forfeit not such his default, such fine not exceeding the sum of forty shillings, nor less than the sum of twenty shillings, as the judge or judges of the respective courts wherein any such default shall be made, shall, from time to time, deem reasonable to impose or set, unless some just cause for such defaulter's absence shall be made appear by oath or affidavit, to the satisfaction of the judge or judges of the said respective courts wherein any such default shall from time to time be made.

II. And be it further enacted by the authority aforesaid, That if any person on whom any fine shall be imposed or set in pursuance of this act, shall refuse to pay the same to the person so fined, or persons who shall be authorized by the judge or judges who shall impose or set any such fine, to receive the same, it shall and may be lawful for the judge and judges who shall have imposed or set any such fine, and he and they is and are hereby authorized and required, by warrant under his hand and seal, or their hands and seals, to cause all and every such fine which shall have been imposed or set by him or them as aforesaid, to be levied, from time to time, by distress and sale of the goods and chattels of the person or persons on whom any such fine shall have been so imposed or set as aforesaid; and the overplus money, if any, which shall remain after payment of such fine, and deducting the reasonable charges of such distress and sale, shall be rendered to the person or persons whose goods and chattels shall have been so distrained and sold.

III. And be it further enacted by the authority aforesaid, That every fine which shall be imposed or set in pursuance of this act, shall, when received or levied, be paid by the person who shall receive or levy the same, to the proper officer of the city or town corporate, liberty or franchise, in which the court or courts was or were holden, wherein such fine so received or levied was imposed or set; to be applied to such uses, as issues set on jurors, or other fines set in courts holden within such city or town corporate, liberty or franchise, are by charter, prescription or usage applicable.

IV. And be it further enacted by the authority aforesaid, That if any action or suit shall be brought or commenced against any person or persons for any thing done in pursuance of this act, then and in every such case, such suit or action shall be brought or commenced within six calendar months next after the matter complained of shall have been committed, and not afterward; and that the defendant or defendants in every such action, shall and may plead the general issue, and give this act and the special matter in evidence, on any trial to be had thereupon; and that the same was done in pursuance, and by the authority hereof; and if upon the trial of any such action or actions, the jury shall find a verdict for the defendant or defendants; or if the plaintiff or plaintiffs shall become nonsuit, or discontinue

General issue.

Limitation of actions.

Double costs.

discontinuare his or their action or actions; or if upon demurrer, judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover double costs, and have the like remedy for the same, as any defendant or defendants hath or have for costs of suit in other cases by law.

## C A P. XX.

*An act for erecting, maintaining, and supporting a light-house on the island of little Cumray, in the county of Bute, at the mouth of the river Clyde in North Britain; and for rendering the navigation in the firth and river of Clyde more safe and commodious.*

WHEREAS the entry into the river Clyde is extremely dangerous, whereby ships are frequently in great hazard of being shipwrecked, especially in the night-time, which might in a great measure be prevented by a light-house on the summit or south-west end of the island of Little Cumray, which will be a publick benefit: and whereas there are several shoals and flats in the firth and river of Clyde, which if removed or marked out by beacons, would render the navigation more safe and commodious: and whereas there is no fund provided for answering the purposes aforesaid: and whereas the said island is the property of the right honourable Alexander earl of Eglintoun, which he holds under a strict settlement or tailzie, whereby he is restrained from alienating the same, or any part thereof, under the usual certification in such deeds of strict settlement of irritating and forfeiting his right to the whole estate: and whereas the said earl is willing that two acres of the said island of Little Cumray, with the liberty and privilege of a road or passage to the shore of the said island, should be vested in trustees, for the uses and purposes herein aftermentioned, to be holden in feu of him, and the other heirs of tailzie in the said estates, on the payment of an annual feu-duty of two pounds sterling, and to execute such deeds as shall be thought necessary for that purpose, but the same cannot be done without the authority of parliament; wherefore, may it please your most excellent Majesty, that it may be enacted, &c.

Power given to the earl of Eglintoun to grant at a certain rent, a feu-charter of two acres of land on the island of Little Cumray, for erecting a light house. Feu duty to descend to the heirs of Tailzie. Property of the said two acres vested in trustees. Trustees impowered to appoint proper officers, and to allow them salaries; also to erect a light-house and other necessary works for rendering the navigation commodious; and after such erection, to demand 1 d. per ton from vessels passing the said light-house. Annual rent of 40s. to be paid to the said earl, &c. out of the said duties. Pain of 40s. payable on arrears of the said rent. Proceedings of the trustees, and accounts of the receipts and disbursements of monies, to be entered in books. Trustees impowered to borrow money for the purposes of this act, on the credit of the duties. Vessels not to be cleared at the custom-house, till a receipt be produced that these duties are paid. Duties may be levied by distress and sale. The King's ships, &c. exempted from the duties. Buildings vested in, and to be repaired by the trustees. Proper fire in the night season to be kept in the light house, &c. Surplus to be apiled, one sixth for improving the harbour of Greenock, and the residue to the improving the navigation above Greenock.

Greenock. Duties may be sued for in any court competent for civil actions, and be determined in a summary way. Civil officers to assist in putting this act in execution.

### C A P. XXI.

*An act for imbanking and preserving certain fen lands and low grounds, called The Washes, lying and being in the several parishes of, Sutton, Mepal, Witcham, Ely, Witchford, Wentworth, Coveney and Downham, in the Isle of Ely, and county of Cambridge; and of Bluntisham with Erith in the county of Huntingdon.*

WHEREAS certain fen lands and low grounds, part of the great level of the fens, commonly called The Washes, lying and being in the several parishes of Sutton, Mepal, Witcham, Ely, Witchford, Wentworth, Coveney and Downham, in the Isle of Ely, and county of Cambridge, and also Bluntisham with Erith, in the county of Huntingdon, containing in the whole fifteen hundred acres or thereabouts, the boundaries whereof are as followeth; that is, to say, Beginning at a bank called The old Bedford Bank, and from thence over The old Bedford River, below The Nine Holes Sluice, to Earith Drove; and from thence to the said drove to the upper end of Bluntisham School ground, and across the upper end of the said school ground to The Hundred Feet, or New Bedford River; and from thence by the west side of the said Hundred Feet, or New Bedford River, to Richard Harrison's wash, below Ox Willow Load, and then along the said load, to the Old Bedford Bank, and so along the east side of the said bank to The nine Holes Sluice aforesaid, are, except certain parts or parcels thereof, which are herein after described and excepted, subject to be overflowed by tides and small freshes, and are in danger of being rendered useless, to the great damage and impoverishment of the owners and proprietors of such ground, and to the loss of the publick; may it therefore please your most excellent Majesty, that it may be enacted, &c.

Commissioners empowered to imbank the river, and lay tunnels, making satisfaction for damages. Differences to be adjusted at the quarter sessions. Commissioners are to meet twice a year, and make orders concerning the draining and preserving the low grounds, and to appoint proper officers, who are to give security. Where ditches shall be filled up, posts and rails are to be erected. An acre tax, not exceeding 1 s. 6 d. to be laid on the fens and low grounds, for the two first years; and for every year after, not exceeding 3 s. per acre. Days for payment to be appointed. Proprietors of the crops of hay on Middle Moors, to pay two thirds of the tax, and the lessees one third. Commissioners may borrow money and assign over the taxes. The taxes may be levied by distress and sale. Tenants to pay the tax, which is to be allowed in their rent; except where there is a lease subsisting of three or more years. Penalty of making a way over the washes. Owners neglecting to scour their dikes, and lay proper tunnels, after notice, collectors may cause the same to be done, and levy the charge. Penalty of damaging the banks. For want of distress offender to be committed. Accounts to be audited yearly; officers to attend, and verify the same on oath. Accounts when passed to be entered, in two sets of books, &c. Tunnels for taking water out of the river into the washes, not to be laid more than two feet below the surface.

Anno vicesimo nono GEORGII II. C. 22. [1756.]

On death, &c. of commissioners, others to be chosen. Number of commissioners not to exceed thirty one. Elections to be registered. Qualification of commissioners. Reservation of the rights of the conservators of Bedford Level.

### C A P. XXII.

*An act for draining and preserving certain fen lands in the Isle of Ely and county of Norfolk, lying between the Hundred Foot River and the Ouse, and bounded on the south by the hard lands of Mepall, Wicham, Wentworth, Wichford, Ely, Downham and Littleport; and for empowering the governor bailiffs and commonalty of the company of conservators of the great level of the fens, commonly called Bedford Level, to sell certain lands lying within the limits aforesaid, commonly called Invested Lands.*

WHEREAS certain fen lands and low grounds lying and being in the several parishes of Mepall, Wicham, Coveney, Wentworth, Wichford, Downham and Littleport, and in the township of Ely in the Isle of Ely and county of Cambridge; and also in the parish of Welney in the said isle, and county of Norfolk; and also in the parishes of Southery, Helgay and Denver in the said county of Norfolk; containing in the whole eighteen thousand acres, or thereabouts, and which are bounded as follows; that is to say, From the south bank of New Bedford River, commonly called the Hundred Feet Bank, at the bottom of Mepall Green along the edge of the said green and skirts of the high lands, to a certain place called Wicham Hive or Hithe; and from thence along the skirts of the high lands to the bottom of Wolbey Hill; and from thence round the edge of the high lands to Grunty Fen Drain near Wichford town's end; and crossing the said drain, along the side of the high lands to Beale Farm at the bottom of Ely Field; and from thence round the skirts of the high lands of Ely and Downham to a certain place called Downham Hive or Hithe; and from thence along the side of the high lands to Westmoor Bridge, and so along Grunty Fen Drain to a certain place called Witches Corner; and from thence by the skirts of the high lands of Downham and Chettisham to the bottom of Chettisham Wood Closes, now called Woodhouse Farm; and along the bottom of the said farm to a certain house called Woods End House; and from the said house along the skirts of the high lands to Littleport Causeway; and along the said causeway to the hard lands at the bottom of Littleport Field, and then round the bottom of the said field and hard lands of Littleport to a certain place called Littleport Knoll, and so round the edge of the said knoll; and along the skirts of the high lands to an ancient sewer, called the Croft River; and then along the north bank of the said sewer to the west bank of the river Ouse, at a place called Littleport Chair; and from thence along the said west bank of the river Ouse to Denver Sluice; and from the said sluice along the south bank of New Bedford River to the bottom of Mepall Green aforesaid, except the imbanked

1756.] Anno vice<sup>mo</sup> nono GEORGII II. c. 22.

imbanked grounds formerly of Edmund Skipwith esquire (now belonging to Viner Small esquire) lying on the north side of the river Ouse; are frequently very much annoyed with waters, through the defect of their outfalls to sea, to the great damage and impoverishment of the owners of such lands, and of the inhabitants of the several parishes and places where the same do lie: and whereas the said fen lands and low grounds cannot be drained and preserved without the aid of parliament; may it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That the lord bishop of Ely for the time being, the lord or lords, lady or ladies of the several and respective manors of Coveney, Littleport, Upwell, Southery and Denver for the time being, or in their absence, their several and respective stewards or agents appointed under their hands; an agent appointed by the dean and chapter of Ely under their common seal; every person who for the time being shall be, bona fide, seised or possessed in his or her own right of two hundred acres of land, subject to be taxed by virtue of this act, lying within the limits above described; or in the absence of such person or persons, his, her or their agent or agents appointed under their hands; together with five persons, being owners of lands lying within the township of Ely; two persons, being owners of lands lying in the parish of Wicham; seven persons, being owners of lands lying in the parish of Coveney; two persons, being owners of lands lying in the parish of Wichford; twenty two persons, being owners of lands lying in the parish of Downham; twenty persons, being owners of lands lying in the parish of Littleport; six persons, being owners of lands lying in the parish of Welney; seven persons, being owners of lands lying in the parish of Southery; nineteen persons, being owners of lands lying in the parish of Helgay; and one person, being an owner of lands lying in the parish of Denver; to be respectively chosen as herein after is directed, shall be commissioners to put this present act, and all the powers and authorities herein after mentioned, in execution.

Commissioners  
with others,  
to be chosen  
for the several  
places to exe-  
cute the act.

II. And be it further enacted, That William Cole esquire, Charles Nall<sup>n</sup> Cole esquire, John Morley, Jonathan Page, and John Drage, gentlemen, shall be the first commissioners for the said township of Ely; Anthony Gregory and William Saberton, gentlemen, shall be the first commissioners for the said parish of Wicham; the reverend master Thomas Neale, George Clay, William Clay, Robert Morling, William Sanxter, William Mufgrave and Abraham Biggs, shall be the first commissioners for the parish of Coveney; George Peacock and John Cave shall be the first commissioners for the said parish of Wichford; Francis Topham and Dingley Askham esquire, the reverend master Thomas Jones, John Leaford, John Tingey, Francis Tingey, Robert Aspland, John Leaford junior, William Cole the elder, Anthony South, Joseph Denton, Richard Hopkin, Edward Martin, Robert Rayner, Richard Grimditch

Anno viceimo nono GEORGII II. C. 22.

[1756.]

Grimditch senior, Philip Cowthorne, Micah Cole, William Langman senior, John Ellington, Francis Moxon, Philip Hopkin and Robert Clarke, shall be the first commissioners for the said parish of Downham; John Parteriche esquire, Painter Meader, Henry Morley junior, Ashley, John Barber, John Love, gentlemen, the reverend master Richard Ofwin, John Barrat Reyner, Robert Crabb senior, Robert Crabb junior, John Cutlack, James Clarke, William Dillamore, Robert Sutton, William Crabb, John Crabb, Henry Wadelow, Thomas Prior, Thomas Gotobed and John Lough, shall be the first commissioners for the said parish of Littleport; William Greaves, Hart, esquires, Gabriel Scott, Robinson, John Scott and Edward Smart, shall be the first commissioners for the said parish of Welney; Sir Robert Burdet baronet, Auger Peacock esquire, John Waddington, Henry Robinson, Abraham Murphet, Gregory Porter and William Pigott, shall be the first commissioners for the said parish of Southery; Sir Cecil Wray baronet, Sir Thomas Drury baronet, Matthew Robinson Morris, Henry Morley, Matthew Wildbore, Thomas Waddington and Edward Pratt, esquires, George Harland, William Galloway, Isaac Cockram, Thomas Weasenham, Eaton, Christopher Galloway, Henry Mayer, Robert Feast, Henry Tansley, King Whirred, William Nix and George South, shall be the first commissioners for the said parish of Helgay; and the reverend Samuel Sedman, D. D. shall be the first commissioner for the said parish of Denver: and that the said persons shall continue commissioners for the said towns and parishes respectively, until the Friday after the second Sunday in the month of April one thousand seven hundred and fifty seven; and that all such persons as are bona fide seised or possessed in their own right, of ten acres of land, subject to be taxed by virtue of this act, lying within the said township of Ely, shall meet at the shire-house in Ely; and all such persons as are bona fide seised or possessed in their own right, of ten acres of like taxable lands, lying in the several parishes of Mepall, Witcham, Coveney, Wentworth, Witchford, Downham, Littleport, Welney, Southery, Helgay and Denver, respectively, shall meet in their respective parish churches, upon the Friday next after the second Sunday in the month of April in the year of our Lord one thousand seven hundred and fifty seven, and upon the Friday next after the second Sunday in April in every succeeding year; and shall choose so many persons to be commissioners for the said towns and parishes respectively, as are herein before appointed to be commissioners for the said towns and parishes respectively: and in case the persons who are to choose commissioners for the township of Ely, or for any of the parishes aforesaid, shall neglect to meet in any year at the time appointed for such elections, or shall not choose commissioners accordingly, then the persons who were commissioners for the said township or parish in the preceding year, shall continue commissioners for the same, until other commissioners shall be chosen as aforesaid, upon the Friday after the second Sunday in April in the next or some succeeding year.

Their continuance.

Future commissioners to be chosen annually.

III. Provided.

III. Provided always, and be it further enacted, That no person shall be enabled to act, sit or meet as a commissioner for any of the purposes of this act, unless he shall be the real owner of twenty acres of like taxable lands, within the said fens and low grounds, bounded and described as aforesaid; except the said lord bishop of *Ely*, and the lord or lords, lady or ladies, of the several and respective manors of *Covency*, *Littleport*, *Upwell* and *Southery*, for the time being, or his, her or their respective stewards or agents, the agent of the dean and chapter of *Ely*, and the several and respective agents of such persons as shall be possessed of two hundred acres of taxable lands as aforesaid, and some one of the trustees of the poors land belonging to each of the towns of *Ely*, *Welney*, and *Helgay* respectively.

IV. And be it further enacted, That the said commissioners, or their successors, or any thirteen or more of them, shall twice in every year, to wit, upon the last Wednesday in April, and last Wednesday in October, or oftner, as they see cause, meet at some publick house in *Ely*, *Covency*, *Downham in the Isle*, *Littleport* or *Helgay*, to be appointed by the said commissioners, or any thirteen or more of them; the first general meeting to be at the shire-house in *Ely*, upon the third Friday after the passing of this act; and at such meeting shall have full power and authority to make orders, and give directions, for the better and more orderly management of the work of draining the said fens and low grounds, and for making proper cuts, drains, dams, tunnels and outlets through the same, and for making and erecting proper works and engines thereupon, and for the maintenance thereof; and also to appoint one or more collector or collectors, receiver or receivers, or such other proper officer or officers, as they the said commissioners shall think fit, for taking care of such works, and for collecting the rates or assessments which shall be made or assessed for the maintenance thereof; and to allow and appoint to be paid to such officers, out of the said rates and assessments, such yearly or other wages and salaries, for their trouble and pains in their respective offices, as the said commissioners, or any thirteen of them present at such meeting, shall think reasonable; which said collector or collectors, receiver or receivers, or other officer or officers, to be appointed as aforesaid, may be altered and removed at the will and pleasure of the said commissioners, or any thirteen of them assembled at such meeting or meetings to be held as aforesaid, and another or others chosen and appointed in his or their room and stead, as occasion shall require; and such collector or collectors, receiver or receivers, to be named and appointed as aforesaid, shall, before they act in the execution of their several offices, give such security for the due execution of such their respective offices, and for performing the several trusts to them committed, as the said commissioners, or any thirteen of them then present, shall in their discretion think fit.

V. And be it further enacted, That the said commissioners, or any thirteen or more of them, or their successors, shall have full power to make cuts,

145

&c. and erect full power and authority, from time to time hereafter, at their wills and pleasures, to make such cuts, drains, dams, tunnels and outlets, through the said fens and low grounds, or any part thereof, so bounded and described as aforesaid, and to erect such works and engines thereupon, for draining and conveying the waters from the same, as shall be thought fit, necessary and convenient, by the said commissioners, or any thirteen or more of them, at the meeting or meetings to be held as herein before is appointed for the purposes aforesaid.

Satisfaction to be made for damages;

to be determined, in case of difference, by the quarter sessions.

Provision to be made to prevent the lands near the high lands from being too dry.

Commissioners empowered to lay a tax for draining the lands.

VII. Provided always, That if the said commissioners shall make, or cause to be made, any cut, drain, dam, tunnel or outlet, through any several grounds, or erect any new work or works thereupon, then they shall pay a reasonable satisfaction to the person or persons who hath or have a right to the soil through which such cut, drain, dam, tunnel or outlet shall be made, or wherupon such work or works, engine or engines shall be erected, for the damages such person or persons shall sustain, and as shall be agreed upon between the said commissioners, or any thirteen or more of them, and the person or persons having such right as aforesaid; and if the said commissioners, or any thirteen or more of them, and such person or persons, cannot agree about the amount of such damage, that then the same shall be assessed, adjudged, and finally determined, by the justices of the peace, or the major part of them, at the next general or quarter session of the peace to be held for the said Isle of Ely, or county of Cambridge.

VIII. And whereas a considerable part of the said fen lands and low grounds, lying near the skirts of the high lands, are much higher in their situation than the rest, and if the sewers lie in common, it is apprehended, may be made too dry, by such time as the lowest lands are well drained; therefore for avoiding this inconvenience, be it further enacted, That it shall be lawful for the said commissioners, or any thirteen or more of them, to erect such stanches or overfalls, at proper places, in the drains and dikes leading from the said lands, as they the said commissioners shall, in their discretion, judge necessary to keep up a sufficient head of water, for the service of such bordering lands.

X. And be it further enacted, That at all and every or any such meeting or meetings to be held as aforesaid, it shall be lawful for the said commissioners, or any thirteen or more of them, to assess, rate, tax and charge, all and every the respective owner or owners, occupier or occupiers, of all and singular the said fen lands and low grounds, so bounded and described as aforesaid, by an equal and proportionable tax, in any rate or sum, not exceeding one shilling per acre for each year, for carrying on and effecting the said work of draining and maintaining the same; and to limit and appoint such certain days and places for the respective payments of such tax to the collector or collectors, receiver or receivers, for the time being, as they the said commissioners, or any thirteen or more of them, under their hands, shall direct and appoint.

IX. Provided always; and be it enacted, That the tax so to be assessed, rated and charged, shall not be less than eight pence per acre, till per acre in each year, until all the money which shall be borrowed for the purposes of this act, with the interest thereof, paid.

K. Provided always, That no assessment, rate or tax, shall be made, collected or levied, upon any lands, being part of the common, lands bounded and described as aforesaid, which are high lands, and have not been subject to inundations; and that no assessment, rate or tax, shall, during the first five years after the making of this act, be made, collected or levied, upon any lands within the limits above-mentioned, which are now so dug out into hods or turf pools, so as to be at present of no use; neither shall any assessment, rate or tax be made, collected or levied, upon the imbanked lands of *John Parteriche*, esquire, known by the name of *Willow Row Farms*; nor upon the imbanked lands of *John Pike*, esquire, called *The Chain Farm* in *Littleport* aforesaid; for so long time only as the owners or occupiers of those lands respectively shall keep and maintain the respective banks, now kept and maintained by them, of a sufficient height to keep the waters (except such waters as shall overflow by a breach of the corporation banks) draining from the lands which are defended by the said banks, from overflowing into the lands without the said banks.

XI. Provided also, That it shall not be lawful for the said commissioners to make any cuts, drains, dams, tunnels or outlets, through the said imbanked lands of *John Parteriche*, or *John Pike*, esquires; or to erect any work or engine thereupon, for so long time as the owners or occupiers of those lands shall keep and maintain their respective banks aforesaid.

XII. Provided always, That no tax shall be assessed, rated or charged, upon the bordering or other high lands, particularly described in the schedule to this act annexed; but all such lands shall be for ever exempted from all taxes to be assessed, rated or charged, by virtue of this act.

XIII. And whereas in the said schedule all lands may not be included that ought to be exempted from such taxes; be it further enacted, That if any dispute shall arise concerning any of such lands (not mentioned in the said schedule) being to be deemed or not deemed high lands, the same shall be determined, upon view, by thirteen or more of the said commissioners.

XIV. And whereas there is a certain tract of land lying within the township of Ely, parcel of the within described district, containing by estimation three hundred and ten acres, or thereabouts, which is called *The Poors Lands*, and made use of only by the poor inhabitants of the parishes of Trinity and Saint Mary's in Ely, for the purposes of fuel, who dig their winter's firing therein, and have so done for near one hundred years past: and whereas the charging the said lands with such tax, as is herein imposed on other lands comprised within the district, are hereby taxed with, would be taxing them more than they are able to pay, prevent them from the

Moiety only of  
the tax to be  
laid on the  
Poors Lands.

enjoyment of so necessary a relief, and tend to the misery of many industrious poor families; it is hereby further enacted, That the commissioners under this act shall never lay or impose more than half the tax on the said lands, which they lay or impose on other lands within the district.

Persons hav-  
ing banks and  
mills on their  
lands, surren-  
dering the  
same, exempt-  
ed from the  
tax for five  
years.

XV. And whereas divers persons have been at the expence of imbanking several lands within the limits aforesaid, and erecting mills for draining the same; therefore in consideration of such expence; be it enacted by the authority aforesaid, That if all or any of the persons having such banks and mills, shall at the first or second meeting of the commissioners for putting this act in execution, surrender up and resign to the said commissioners, all such mill or mills as to them respectively belong, to be taken down and disposed of by the said commissioners, towards carrying on the work of draining the said fen lands, bounded and described as aforesaid, any such person or persons so delivering up their mill or mills, shall be freed and discharged from any taxes to be imposed upon the lands so imbanked and milled by virtue of this act, for the first five years after the same takes place; and also that certain low lands in Pymoor, belonging to William Cole esquire, containing one hundred and fourteen acres, or thereabouts (which have been dug out into turf) shall be exempted from such taxes as aforesaid, during the said term of five years.

Low lands in  
Pymoor ex-  
empted for  
the said term.

Taxes assign-  
able for money  
to be borrow-  
ed.

XVI. And to the end that a sufficient sum of money may be speedily raised for the purposes of this act; be it further enacted, That the said commissioners, or any thirteen or more of them, shall have full power and authority, from time to time, by writing under their hands and seals, to assign over the said yearly rates and taxes hereby chargeable, or to be charged, upon the said fen lands and low grounds, so described as aforesaid, and every or any part thereof (the costs and charges of such assignment to be paid out of the said tax) as a security for any sum or sums of money by them to be borrowed for the purpose aforesaid, to such person or persons, or their trustees, as shall advance or lend the same, to secure the repayment thereof, with interest, not exceeding legal interest; which said money so borrowed, shall be applied, in the first place, to pay and discharge the expences of obtaining this act of parliament, and then shall be applied and disposed of in making such cuts, drains, dams, tunnels and outlets, and erecting such works and engines, as shall be necessary for draining and improving the fen lands and low grounds before-mentioned, and to no other use or purpose whatsoever.

Application of  
the money.

Taxes to be  
levied in de-  
fault of pay-  
ment.

XVII. And be it further enacted, That if any person or persons, so rated and taxed as aforesaid, shall refuse or neglect to pay the rate or tax charged upon him, her or them respectively, within the space of twenty one days after the respective times of payment, to be appointed by the said commissioners (publick notice thereof being affixed upon the market cross at Ely, by the collector or collectors, receiver or receivers, for the time being) it shall be lawful for such collector or collectors, receiver or

or receivers, or for any other persons, by virtue of any warrant or precept, under the hands and seals of five or more of the commissioners (which said warrant or precept such commissioners, or any five or more of them, are hereby empowered and required, from time to time, to make, as occasion shall require) to levy the sum or sums so assessed and rated upon any goods and chattels which shall be found upon all or any of the grounds and premises so charged with any such sum or sums of money, and the goods and chattels so distrained to keep by the space of five days, at the costs and charges of the owner or owners thereof; and if the said owner or owners shall not, within the said space of five days, pay the sum or sums so assessed or rated, that then the goods and chattels so distrained shall be appraised by two or more of the inhabitants of the parish where the same shall be taken, or by other sufficient persons, and shall be sold by the said collector or collectors, receiver or receivers, for payment of the said money, and the overplus (if any be) coming by such sale (after the sum or sums so rated and assessed, and the charges of taking, keeping and selling the said distress, are deducted) shall be returned to the owner or owners thereof, upon demand; and the several and respective tenants of all and singular the said fen lands and low grounds, so bounded and described as aforesaid, which shall be assessed or rated by virtue of this act, are hereby required and authorized to pay such sum and sums of money, as shall be so assessed, rated and charged upon such fen lands and low grounds, and to deduct out of the rent so much of the said assessment or rate, as the said fen lands and low grounds, or the tenant or tenants in respect thereof, shall be assessed or rated at; and the landlords, both mediate and immediate, according to their respective interests, are hereby required to allow such deduction and payment, upon receipt of the residue of their rent; and every tenant paying such assessment or rate, shall be acquitted and discharged for so much money as the said assessment or rate shall amount unto, as if the same had been actually paid to the person or persons intitled to the rent of such lands and grounds, except where there is a lease of three or more years to come from the commencement of this act; in which case the proportion of the assessment or rate, which the tenant ought to bear and pay, in consideration of the benefit he receives by such lease, shall be adjusted and awarded by thirteen or more of the commissioners for putting this act in execution.

Tax to be paid  
by the tenants,  
and deducted  
out of their  
rent.

In case of a  
lease, tenant  
to pay in pro-  
portion.

XVIII. Provided always, and it is hereby further enacted, That in case any of the said fen lands or low grounds shall at any time hereafter be untenanted or unoccupied, so that no sufficient distress can be found whereon to levy the said rates and taxes, then the lands and grounds charged with the said rates and taxes, shall always remain a security for payment thereof; and all goods and chattels which shall at any time thereafter be found upon such lands or grounds, shall and may be distrained, kept, appraised and sold, in manner aforesaid, until all ar-

Lands unoc-  
cupied, to re-  
main a secu-  
rity for pay-  
ment of the  
tax.

rears of the said rates and taxes and the charges of such distress shall be fully paid and satisfied.

Proviso touching arable lands, or those dug up in turf.

XIX. Provided always, and be it further enacted, That it shall and may be lawful for *William Cole* esquire, owner of certain imbanked lands in *Pymoor*, which have been dug up into turf, containing one hundred and fourteen acres, or thereabouts, and likewise for the worshipful *Francis Topham*, doctor of laws, lessee under the right reverend the lord bishop of *Ely*, of a certain tract of imbanked lands called *The Fryth*, lying under *Downham Park*, and for their respective heirs, executors, administrators and assigns, at their own proper charges and expences, to maintain and continue such banks as are now standing, for the preservation of the said lands; and also to maintain and work one mill or engine on each of the said tracts of land, for throwing off the waters towards the outfall, in like manner as they have heretofore done; and also for the owners and occupiers of such other parts of the said fen lands comprised within the district intended to be drained by this act, as are arable, and produce winter crops, or have actually been dug up into turf, to erect horse mills, or other small engines thereon, in order to drain such lands so as to preserve the said crops, and to render the lands so dug up useful, and for no other purpose whatsoever.

Collectors to scour outrings and dikes, and lay sufficient tunnels under ways made over them, the owners neglecting so to do.

XX. And be it further enacted, That if the owner or owners, occupier or occupiers of any of the said fen lands, to which any outring or division dike doth or shall belong, hath or have filled, or shall fill up, or make any way over the same, without laying a sufficient tunnel under it, or shall neglect or refuse sufficiently to rode, scour, cleanse, open or repair, such outring or division dike, after twenty one days notice given to him, her or them, for that purpose, by the collector or collectors, receiver or receivers, for the time being, appointed by virtue of this act, then it shall be lawful for such collector or collectors, receiver or receivers, to cause such dike to be roded, scoured and cleansed, in a sufficient manner; and where there is not a sufficient tunnel under such ways, to cause those ways to be taken up, and made so wide and deep as the dike ought to be; and by warrant or precept under the hands and seals of thirteen or more of the said commissioners (which warrant or precept such commissioners, or any thirteen or more of them, are hereby impowered and required, from time to time, to make, as occasion shall require).

Charges to be levied upon the owners or occupiers.

to levy the charge thereof upon the goods and chattels of such owner or owners, occupier or occupiers, by distress and sale of his, her or their goods and chattels, upon the ground and premises to which such dike or dikes, way or ways, doth or do, or shall respectively belong (over and above the other rates and taxes chargeable or to be charged upon the said ground and premises by virtue of this act) rendering the overplus (if any) to such owner or owners, occupier or occupiers respectively, when demanded, after all charges paid.

Regulations concerning

XI. Provided always, and be it further enacted by the authority aforesaid, That if any tunnel or tunnels shall be laid for taking

421

taking water out of the river *Ouse*, or the *hundred foot river*, the bottom of such tunnel or tunnels, for taking water out of the *hundred foot river*, shall not at any time be laid more than three feet below the surface or level of the adjacent ground; and the bottom of such tunnel or tunnels, for taking water out of the river *Ouse*, shall not at any time be laid more than two feet below the surface or level of the adjacent ground: and if any person shall lay the bottom of any such tunnel lower than three or two feet respectively, as aforesaid, below the surface or level of the adjacent ground, and shall be lawfully convicted thereof, before any justice of the peace of the county or place where such offence shall be committed, he or she so offending shall for every such offence, forfeit to the use of the person giving information thereof, the sum of five pounds for every such offence, to be levied by distress and sale of the offender's goods and chattels, by warrant under the hand and seal of the justice before whom he or she shall be convicted as aforesaid.

**XXII.** And be it further enacted, That if any person or persons shall, at any time or times hereafter, wilfully or maliciously cut, throw down or destroy any of the banks, works or engines so to be made or erected as aforesaid, or by any ways hinder, obstruct or lay open any of the cuts, drains or other works to be made for draining or improving the said fens or low grounds as aforesaid, and shall be thereof convicted upon oath before two justices of the peace for the said *Isle of Ely*, if the offence shall be committed within the said isle, or before two justices of the peace for the said county of *Norfolk*, if the offence shall be committed in the said county; every such person so convicted shall forfeit for every such offence the sum of one hundred pounds, to be levied by distress and sale of the goods and chattels of every such offender or offenders, by warrant under the hands and seals of any two of the said justices before whom such conviction shall be had, to be employed and laid out in carrying on the works and improvements in and upon the said fens and low grounds where such offence is or shall be committed; and for want of such sufficient distress, such offender or offenders shall by the said justices be committed to the common gaol of the said *Isle of Ely*, and on per-  
or county of *Norfolk*, for any time not exceeding twelve months, at the discretion of the said justices: and if any person or persons shall wilfully or maliciously set fire to, burn or other-  
wise destroy any of the said engines to be erected as aforesaid, and be thereof lawfully convicted, such person or persons shall be adjudged guilty of felony, and shall be subject and liable to the like pains and penalties as in cases of felony; and the court, by or before whom such person or persons shall be tried, shall and have hereby power and authority to transport such felons for seven years, in the like manner as other felons are directed to be transported by the laws and statutes of this realm.

**XXIII.** And to the end it may appear clearly, what money has been raised from time to time, by virtue of this act, and that the owners and occupiers of the said fen lands and low grounds

the commissioners upon oath.

grounds may be satisfied that the money so raised has been duly applied; be it further enacted, That once in every year, on one of the days herein before appointed, for the meeting of the said commissioners, inspection shall be had by the said commissioners, or any thirteen of them, of the receipts and disbursements of such money as shall have been raised by virtue of this act, to the twenty fifth day of *March* then next preceding; and all accounts relating to the same, shall be then or within ten days after, made up and settled by the said commissioners, or any thirteen of them, then assembled at such their meeting as aforesaid; at which time the collector or collectors, receiver or receivers of the said rates and sums of money to be raised as aforesaid, are hereby required to attend with proper books of accounts of their receipts and disbursements, and all vouchers for the same; and upon consideration and examination thereof upon oath to be administered by one of the said commissioners (which oath any one of the said commissioners is hereby empowered to administer) the said commissioners, or any thirteen of them, are hereby empowered to allow and pass the said accounts, as they shall think fit, or such part or parts of the same, as they shall see just and reasonable; and such account or accounts, or such part or parts of them, as shall be so allowed by the said commissioners, or any thirteen of them, under their hands, shall be fairly entered in two several books to be kept for that purpose, one whereof shall remain with the said commissioners, and the other in the parish church of the *Holy Trinity* in *Ely*; and the said books shall and may be inspected and perused at any time, at reasonable hours, by any person or persons requiring the same (being an owner or owners of any of the said fen lands and low grounds) without fee or any other reward.

Two books of them to be kept, and inspected gratis.

Allowance to be made to commissioners for their attendance.

Clause to save the rights of the Redford level corporation.

XIV. Provided always, and it is hereby further enacted, That towards defraying the expences of the said commissioners, upon account of their attendance at any of the meetings, to be held as aforesaid, for putting this act in execution, the sum of one shilling, and no more, shall be paid by the collector or receiver of the said rates and taxes, to each of the said commissioners present at any such meeting, and shall be allowed in the accounts of such collector or receiver, as so much money paid for the purposes of this act, so that the whole expence, at any one meeting, shall not exceed the sum of twenty shillings; any thing herein before contained to the contrary notwithstanding.

XV. Provided also, and it is hereby further enacted, That this act, or any thing herein contained, shall not extend or be construed to extend, to empower the said commissioners appointed for putting this act in execution, to have, use or exercise any power or authority over, or to intermeddle with any of the banks, sewers, drains or works already made, or hereafter to be made by the governor, bailiffs and commonalty of the company of conservators of the great level of the fens, called *Bedford Level*, by virtue of an act made in the fifteenth year

of the reign of King Charles the Second, intituled, *An act for settling the draining of the great level of the fens, called Bedford Level, or by virtue of any other act or statute whatsoever, or to invalidate, lessen, diminish, alter or take away any of the rights, powers and authorities, vested in the said governor, bailiffs and commonalty, or in the said governor, bailiffs and conservators, but that all rights, powers and authorities whatsoever, which by virtue of the said act, made in the fifteenth year of the reign of King Charles the Second, or any other act or statute whatsoever, now are vested in the said governor, bailiffs and commonalty, or in the said governor, bailiffs and conservators, or any of them, shall for ever hereafter remain, continue and be in the said governor, bailiffs and commonalty, and in the said governor, bailiffs and conservators, and every of them, as fully and amply, to all intents and purposes, as if this act had never been made.*

**XXVI.** Provided also, and it is hereby further enacted, That Corporation to the said governor, bailiffs and commonalty, shall keep and maintain the south bank of the hundred foot river, and the west bank of the hundred foot river, and wet bank of the Ouse, in like manner as they have hitherto done.

**XXVII.** Provided always, and it is hereby further enacted, That Viner Small esquire, his heirs or assigns, being owner or Provisi co-owners of the imbanked grounds, late of Edmund Skipwith e- squire, before exempted, shall not at any time hereafter, run off imbanked grounds of Viner Small, otherwise, into the lands intended to be drained by virtue of this act, but shall keep and maintain the banks round the said grounds, of the same height and strength they now are.

**XXVIII.** Provided always, That nothing in this act contained shall extend, or be construed to extend to deprive the owners and proprietors of lands and commons lying in Grunty Fen, of the drains they have hitherto had and enjoyed, and still the proprie- do enjoy, for running off the waters of the said fen, through Drains of Grunty fen continued to. Grunty Fen Drain, towards the outfall.

**XXIX.** And whereas by the said act of the fifteenth year of King Charles the Second, it was amongst other things, enabled, That the governor, bailiffs and conservators of the great level, should have power to lay taxes upon the ninety five thousand acres of land (allotted as a recompence for the draining of the said great level) for the support, maintenance and preservation of the said great level, and to levy the same with penalties for non-payment; and that the said governor, bailiffs and conservators, should have power to sell so much, or such parts and proportions of the said ninety five thousand acres, upon which any tax should be in arrear, or penalties, in such proportions as the said governor, bailiffs and conservators should judge to be sufficient to raise such taxes and penalties: and whereas several parcels of the said ninety five thousand acres of land, lying within the said district, bounded and described as aforesaid, were at different times put up to sale, in pursuance and according to the directions of the said act of the fifteenth of King Charles the Second, and of another act made in the

424  
State of the  
invested lands  
in the afore-  
said district,  
belonging to  
the corpora-  
tion.

20 Car. 2. c. 8.

twentieth year of the said King, intituled, An act for the taxing and assessing of the lands of the adventurers within the great level of the fens, in order to raise the taxes and penalties in arrear, for and in respect of the said lands; but the same not being thought worth the taxes and penalties due thereon, such lands could not be sold so as to raise such penalties and taxes; and the said governor, bailiffs and conservators having directed their officers from time to time, to bid for such lands as could not be sold for the amount of the taxes and penalties respectively due thereon, they the said officers became the purchasers of such lands, and have either conveyed the same to the said governor, bailiffs and commonalty, or declared such purchases to have been made in trust for the said corporation; and the lands so purchased have ever since such purchases respectively made thereof, remained vested in the said corporation, and been called Invested Lands, and have been annually rated and assessed to the taxes laid upon the said ninety five thousand acres, according to their respective proportions, in pursuance of the said acts of the fifteenth and twentieth of King Charles the Second; but such taxes not having been raised or paid, the said corporation have, from time to time, lett such invested lands, or such parts thereof as they could find tenants for, at such rents as could be procured for the same; but the prof's arising from the lands so lett, have been very small and inconsiderable, and much less than the taxes with which such lands have been assessed; and whereas the said governor, bailiffs and conservators, apprehendi. g it would be for the benefit of the said corporation, that such invested lands should be sold, discharged of the arrears of taxes which had been assessed thereon, but subject and liable in like manner as the rest of the said ninety five thousand acres, to the taxes to be assessed for the future, by virtue of the said acts of the fifteenth and twentieth of King Charles the Second, did cause five hundred and sixty eight acres of the said invested lands, lying within the district herein before described, to be put up to publick sale; and Matthew Robinson Morris esquire, being the best bidder for the same, at the sum of one hundred pounds, the said corporation thereupon agreed with the said Matthew Robinson Morris for the sale of the said five hundred and sixty eight acres for the said sum of one hundred pounds, discharged of the arrears of taxes which had been charged thereon before the first day of April one thousand seven hundred and fifty four, and subject to future taxes; and the most noble John duke of Bedford, Sir Thomas Drury baronet, Matthew Wildbore and Thomas Waddington esquires, having delivered proposals to the said corporation for the purchase of one thousand seven hundred acres and twenty perches of the said invested lands (being the residue of the said invested lands lying within the said district) at the price of one thousand pounds, and such proposals having been published in the publick news papers, and notice having been thereby given, that the said corporation were ready to treat with any persons, who should be willing to give more than the said sum of one thousand pounds for the said lands, and no person having offered so much as the said sum of one thousand pounds for the same, the said corporation did agree with the said John duke of Bedford, Sir Thomas Drury, Matthew Wildbore, and Thomas Waddington, for the sale of the said one thou-

Recital of a-  
greements  
with Mr Ro-  
binson Morris,  
and the duke  
of Bedford and  
others, for sale  
of the invested  
lands.

sand:

to the said five hundred and sixty eight acres for the said sum of one hundred pounds, discharged of the arrears of taxes which had been charged thereon before the first day of April one thousand seven hundred and fifty four, and subject to future taxes; and the most noble John duke of Bedford, Sir Thomas Drury baronet, Matthew Wildbore and Thomas Waddington esquires, having delivered proposals to the said corporation for the purchase of one thousand seven hundred acres and twenty perches of the said invested lands (being the residue of the said invested lands lying within the said district) at the price of one thousand pounds, and such proposals having been published in the publick news papers, and notice having been thereby given, that the said corporation were ready to treat with any persons, who should be willing to give more than the said sum of one thousand pounds for the said lands, and no person having offered so much as the said sum of one thousand pounds for the same, the said corporation did agree with the said John duke of Bedford, Sir Thomas Drury, Matthew Wildbore, and Thomas Waddington, for the sale of the said one thousand

land seven hundred acres and twenty perches of invested lands, at the said price of one thousand pounds, discharged of all arrears of taxes, which at any time before the conveying of such lands shall have been charged thereon, and subject to future taxes: and whereas it will be for the benefit of the said corporation, that the said governor, bailiffs and commonalty, should be impowered to sell the said invested lands, discharged of the arrears of taxes, according to the agreements entered into at aforesaid; be it therefore further enacted, That it shall be lawful for the said governor, bailiffs and conservators, or any empowered seven or more of them, whereof the said governor or bailiffs, or to convey the same, dis- any of them, to be two, to grant or convey, under the seal of the said corporation, the said five hundred and sixty eight acres rears of taxes, of invested lands, to the said *Matthew Robinson Morris*, and the puruant to said one thousand seven hundred acres and twenty perches of the agreements, invested lands to the said *John duke of Bedford*, *Sir Thomas Drury*, *Matthew Wildbore*, and *Thomas Waddington*, freed and discharged of and from the taxes which have been rated or assessed upon the said invested lands, by virtue of the said act of the fifteenth of King *Charles* the Second, or of any other act or acts of parliament now in being, relating to the said great level, according to the before recited agreements made by the said corporation with the said *Matthew Robinson Morris*, and the said *John duke of Bedford*, *Sir Thomas Drury*, *Matthew Wildbore*, and *Thomas Waddington*; and such grants and conveyances so made, shall be good and effectual in the law, to all intents and purposes whatsoever, as if the said lands had been sold at the shire-house in *Ely*, for non-payment of taxes, pursuant to the said acts of the fifteenth and twentieth of King *Charles* the Second, before the said lands became invested.

XXX. Provided always, That nothing in this act contained shall extend, or be construed to extend, to impower the said corporation to discharge the said invested lands, or any part thereof, from any rates or taxes, which the same shall hereafter be liable to be rated or assessed with, by virtue of the said act of the fifteenth of King *Charles* the Second, or any other act or acts of parliament whatsoever, but that the said invested lands from future but not to discharge them shall be liable to be rated and assessed in the same manner as they taxes; were before the making of this act; any thing herein before contained to the contrary notwithstanding.

XXXI. Provided also, and be it further enacted, That the said governor, bailiffs and conservators, shall out of the above mentioned sums of one hundred and one thousand pounds, for which the said invested lands are hereby directed to be sold, pay <sup>One third of the expenses of this act to be paid by them.</sup> the expenses of obtaining this act.

XXXII. And it is hereby further enacted, That if any action, suit or information, shall be commenced or prosecuted against any person or persons for any thing done or to be done in pursuance of this act, every such action or suit shall be commenced within six months next after the fact committed, and shall be laid or brought in the court of pleas of the said  *Isle of Ely*, or in the counties of *Cambridge* or *Norfolk*, and not elsewhere; <sup>Limitation of actions.</sup>

where; and the defendant or defendants in such action or suit, shall and may plead the general issue, and if in replevin, may justify and avow by virtue of this act, as persons acting by authority of commissioners of sewers are enabled to do; and give this act and the special matter in evidence, without specially pleading the same, otherwise than as aforesaid, at any trial to be had thereupon, and that the fact alledged to have been done, was done in pursuance and by the authority of this act; and if the same shall appear to have been so done, or if any such action or suit shall be brought after the time before limited for bringing the same, or shall be brought in any other county or place than as aforesaid, then the jury shall find for the defendant or defendants, avowant or avowants; or if the plaintiff or plaintiffs shall become nonsuit, or forbear prosecution, or discontinue his, her or their suit or suits; or if any verdict shall pass against him, her or them, upon a demurrer, or otherwise, then in any of the said cases, the defendant or defendants, avowant or avowants, shall recover treble costs, for which he, she or they, shall have like remedy, as where costs by law are awarded.

XXXIII. And be it further enacted and declared, That this act shall be deemed and allowed to be a publick act; and all judges, justices, and other persons, are hereby required to take notice thereof as such, without specially pleading the same.

General issue.

Treble costs.

Publick act.

*The Schedule to which the annexed act refers; being a list of such bordering, and other big lands, as are to be exempted from the Taxes to be assessed, rated or charged, in pursuance of the said act.*

#### M E P A L L.

**A**LL the Widdons, except four acres part of the adventure land taken out of the same, belonging to Daniel Dickens.

#### W I C H A M.

The Widdons, formerly called Jag-gam Hall grounds.

#### In the Cowcrofts.

Three acres of Richard Papworth.

Five acres of John Hazlum.

Five acres in the occupation of William Saberton.

One acre of John Winter.

One acre, part of four acres, of Edward Hemmings.

#### In the Hale Fens.

Thomas Johnson's lot, and all the lots between that and Wolbey Hills, except a part of four lots, one belonging to William Nix, two to lord Wentworth and mistress King, and one to Anthony Gregory.

#### W O L B E Y H I L L S.

Thirty acres, part of forty acres, of mistress King.

Fifty acres of John Leaford.

Ten acres of John Cole.

Five acres, part of ten acres, of master East's heirs.

Two acres, part of nine acres, of William Musgrave.

#### C O V E N E Y.

All the Hale Fens south of Wardley Hill, from a lot of Jeremiah Hin-kin to a lot of George Clay, includ-ing five.

Two acres and an half, part of six acres of Headley's heirs.

Two acres, part of six acres, of Head-ley's heirs.

Four acres, part of six acres, of James Creek, called Sampson's lot.

#### In the New Drove Grounds.

Six acres of William King, clerk.

Four acres, part of six acres, of Charles Cole, clerk.

One acre and an half, part of six acres, of Thomas Neale, clerk.

Four acres, part of six acres, of Edward Merry.

Six acres of William Cole, esquire.

Seventeen acres, part of twenty seven acres, of mistress Swan.

Three acres, part of six acres, of Bidwell Nix.

Six acres, late of Isaac Woolaston, esquire, in Sedge Fen.

Six acres of Mary Mer-rick, widow.

Ten acres, part of forty acres, of Matthew Robinson, esquire, abut-ting upon Westfield.

#### In the New Dams.

Eight acres, part of thirty acres, of lord Townsend's, abutting upon ditto.

Two acres, part of nine acres, of Coveney Feoffees.

Three acres, part of nine acres, of George Clay, called Cocks's Dam.

Two acres, part of twelve acres, of Thomas Neale, clerk, called The Spots.

Four acres, part of fourteen acres, of lord Townsend.

Three acres, part of ten acres, of Margaret Clay.

Four acres, part of sixteen acres, of mistress Swan, called The Long Dam.

#### At Way Head.

Four acres, part of nine acres, of Margaret Clay.

Three acres and an half, part of seven acres, of Charles Cole, clerk.

Five

Five acres, part of seven acres, of Elizabeth Barton.

Seven acres of Frances South.

Twenty one acres of George Clay, in three lots.

Twelve acres of Elizabeth Barton.

Six acres, part of sixteen acres, of Thomas Nix.

One acre, part of seven acres, of John Feast.

Three acres, part of seven acres, of George the son of Margaret Clay.

Ten acres and an half, of George Clay, being a lot and a half.

Four acres of Bidwell Nix.

Seven acres, part of sixteen acres, of George Clay.

#### In the Great Dams.

Four acres, part of nine acres, of mistress Swan.

Eleven acres, part of fifty six acres, of Matthew Robinson, esquire.

Six acres, part of eighteen acres, of George Clay.

Five acres, part of twenty four acres, late of Isaac Woolastone, esquire.

Four acres, part of nine acres, of George Clay, late Matthews.

Four acres and an half, part of nine acres, of George Clay, late Childs's.

Four acres and an half, part of nine acres, of Robert Morling.

Five acres, part of eighteen acres, of master Hazlum.

Three acres, part of six acres, of George Clay.

Eight acres, part of eighteen acres, of Aungier Peacock, esquire.

Six acres, part of thirty acres, of William Mayer.

Four acres, part of nine acres, of Robert Feast.

#### In the Blockmores.

All the blockmores north of Wardey Hill, from the gravel to a blockmore of Abraham Biggs, late Knight's, including the same.

Four acres and an half, part of seven acres, of Abraham Biggs, being

three blockmores, late Painter's.

One acre and a half, part of two acres, of Margaret Clay.

Six acres, part of eight acres, of William Sanxter, being two blockmores.

Four acres of William Knight.

Four acres of William Cole, esquire.

Six acres of Margaret Clay.

Two acres of Abraham Biggs, being a lockspit at the bottom thereof.

Five acres, part of eight acres, of Amy Barrs.

One acre of John Pennington.

One acre of George Clay.

One acre of Thomas Nix.

Two acres, part of three acres, of Aungier Peacock, esquire.

#### In the Pingles.

Ten acres, part of twenty acres, belonging to Pembroke Hall.

Four acres, part of ten acres, of George Clay.

Three acres, part of six acres, of Charles Clay, called Gunton's Pingle.

Six acres of George Clay, called The Home Pingle.

All the High Land, Closes and Yards, at Coveney and Wardey Hill.

#### In Ely Byal Fen.

Five acres, part of fifteen acres, in two dolvers, of Robert Morling.

Two acres and an half, part of ten acres, in two dolvers, of Edward Hemmings.

Four acres, part of five acres, of John Winter, called Kirby's ground.

Four acres, part of five acres, in a lot of John Knowles.

Five acres, a lot of master Saberton.

Five acres, a lot of master Mayer.

Three acres, part of five acres, in a lot of master Mayser.

All the old Fens in Witcham and Wentworth.

In WENTWORTH Sedge Fen.  
Two acres and half, part of eight acres, of master Twelves.  
An hill, called plain hill, containing about eight acres.

## WICHFORD.

Half an acre, in each small lot in Sedgefield Pools.  
Six acres of William Cole, esquire, in Pymore.

## ELY.

All the grounds called Alderforth, in West Fen Side, abutting on Beald Drove.  
One acre and an half, part of three acres, of John Prior.  
Three acres, part of six acres, of Edward Cropley.  
Three acres, part of six acres, of Charles Cole, clerk.  
Three acres, part of six acres, of William Cole, clerk.  
Eleven acres, part of twelve acres, of lady Parsons.  
All the lands between Beald Drove and Ely Field.  
All Beald farm (except three acres, and thirty acres, of adventure land in Pymore, used therewith).  
Eighteen acres of William Cole, esquire, in four pieces, late Trowell's and Beesley's, abutting on Ely Field.  
Sixteen acres of John Bringhurst, clerk, in two dowers, abutting on ditto.  
All the lots above Long Drove, from Gall Drove to West Fen Drove.  
Eight acres, part of twelve acres, of mistress Ralph.  
Six acres of George Tookie.  
Six acres of Thomas Day.  
Six acres of John Bringhurst, clerk.  
Thirty acres of Thomas Watkins, clerk, called Flowers Hill.

Fourteen acres, part of thirty acres of Elizabeth Gee.  
Six acres of Henry Kemptton.

Eight acres, part of twelve acres, of Thomas Watkins, clerk.

Four acres, part of six acres, of Thomas Poole.  
Eight acres, part of twelve acres, of William Augier.

Fifteen acres, part of twenty four acres, of mistress Towers, called Baalam's twenty four Pieces.

## DOWNHAM.

All the land called the Hurst and the Holts (except fourteen acres of Morley Unwin, clerk, called the Pools).

## In West Fen Side.

Four acres, part of twelve acres, of Philip Cawthorne.  
Four acres, part of twelve acres, of Joseph Denton.  
Two acres, part of four acres, of Philip Sibley.  
Two acres, part of four acres, of Matthew Hallock.  
Two acres, part of four acres, of Joseph Denton.  
Sixteen acres, part of sixty acres, of Robert Cole, in several pieces.  
Two acres of Philip Hopkin.  
Two acres of Christopher Green.  
Two acres of Francis Moxon.  
Four acres of Matthew Cross.  
Two acres of Joseph Denton.  
Seven acres, part of fifteen acres, of John Yarrow, in two pieces.  
One acre, one part of two acres, of Christopher Green.  
Six acres, part of fifteen acres, of Downham Feoffees.

- One acre, part of two acres, of William Eagle.
- Two acres, part of four acres, of mistress Gordon.
- Two acres, part of four acres, of Robert Rayner.
- One acre, part of three acres, of William Eagle.
- One acre, part of two acres, of John Bayes.
- One acre, part of two acres, of Frances South.
- Six acres, part of twelve acres, of Joseph Denston, six pieces.
- Four acres, part of twelve acres, of Thomas Brown.
- Three acres, part of eight acres, of Francis Moxon.
- Two acres, part of six acres, of Richard Moxon.
- One acre, part of two acres, of William Eagle.
- One acre, part of two acres, of Henry Waddelow.
- Two acres and three roods, of Richard Moxon, called Cop Hall.
- In the Land Floods.
- Two acres at the Hithe, of Mary Smith, senior.
- Two acres of Frances South.
- Two acres and an half, called a Holt and a Yard, at the Hithe of Joseph Denston.
- Eleven acres, part of seventeen acres, of Frances South.
- One acre, part of two acres, of John Bayes.
- Two acres, part of four acres, of Francis Moxon.
- One acre, part of two acres, of John Leaford.
- Two acres of Joseph Denston.
- Four acres of Richard Moxon.
- Two acres of Francis Tingey.
- All the land floods from Westmore Bridge to the park by Westmore Bridge.
- Five acres, part of six acres, of Richard Hopkin, junior.
- Three acres, part of six acres, of William Merry.
- Two acres, part of ten acres, of Richard Hopkin, senior.
- One hundred acres of Francis Topham, esquire, (lying under Downham park) being the highest part of the Firth.
- In North Fen Side.
- Four acres, part of eight acres, of Thomas Jones, clerk, at the bottom of Lone Lane.
- One acre, part of two acres, of John Chuik, at ditto.
- One acre, part of two acres, of Isaac Aspland.
- Five acres, part of eight acres, of William Cole, esquire, of Cabbage-hole.
- Seven acres, of John Ellington, in ditto.
- Two acres, part of twelve acres, of Elizabeth Ellington, next Beald Drove.
- Two acres, part of twelve acres, of Henry Hull, next Beald Drove.
- One acre, part of two acres, of Sarah Bringhurst.
- One acre, part of two acres, of Mary Smith, junior.
- Three acres, part of six acres, of John Hitch.
- One acre, part of two acres, of William Cole, esquire.
- One acre, part of two acres, of Richard Hopkin.
- Three acres, part of six acres, of John Ellington.
- Five acres, part of twelve acres, of John Flanders.
- One acre, part of two acres, of Downham Ecclies.
- Two acres, part of four acres, of Francis Tingey.
- Two acres, part of four acres, of Henry Morley, esquire.
- All the lots called Marshall End, in Downham and Ely.
- Twelve acres, part of seventy eight acres, of Richard Holditch, esquire, under Chetisham Wood.

## PYMORE.

Twelve acres of Anthony South.

Twelve acres of William Harrison.

Twelve acres of Morley Unwin, clerk.

Twelve acres of John Leaford.

Twelve acres of Joseph Denston.

Twelve acres of John Churk.

Six acres of Margaret South.

Four acres, part of six acres, of John Leaford.

Twelve acres of William Langman.

Four acres of Margaret South.

Four acres of William Langman.

Sixteen acres of Sarah Bringhurst.

Twelve acres of Francis Skinner.

Four acres of Margaret South.

Twenty acres of John Leaford.

Twelve acres of John Leaford.

Eight acres, part of twelve acres, of John Leaford.

Two acres, part of six acres, of Richard Nicholas.

Four acres, part of six acres, of John Churk.

Eight acres, part of twelve acres, of Thomas Jones, clerk.

Eight acres, part of twelve acres, of Richard Holditch, esq;

Five acres, part of twelve acres, of Margaret South.

Two acres, part of

All these north-east of Pymore Drove.

twelve acres, of Frances South.  
One acre, part of four acres, of Margaret South.

Twelve acres of John Leaford.

Twelve acres of Frances South.

Twelve acres of John Yarrow.

Six acres, part of twelve acres, of Frances South.

Twelve acres of Robert Rayner.

Three acres, part of five acres, of Elizabeth Ellington.

Eight acres, part of seventeen acres, of John Leaford, in two lots.

Four acres of William Langman.

Twenty five acres late St. John's,

Seventeen acres, late Diurey's,

Sixteen acres, out of seventeen acres, late Saint John's,

Five acres, out of seventeen acres, of Lord Saint John's.

Three acres, out of seventeen acres, of Francis Tingey.

All these south-west of Pymore Drove.

In Straight Furlong.

Parts of the Fifties.

## In a Place called Dunkirk.

Two acres, part of twelve acres, of John Cawthorne's heirs.

Nine acres, part of twelve acres, of Richard Hopkin.

Three acres, part of twelve acres, of Isaac Aspland.

Twelve acres of William Cole, junior.

Two

An account of the property in the parish of Littleport.	
Two acres, part of twelve acres, of John Flanders, at Frith Head.	Four acres, part of eight acres, two lots, of Mathew Scurchin.
In the Ely North Fen Side.	Two acres, part of four acres, one lot, of Master Middleditch.
Six acres, part of nine acres, in three lots, of Henry Morley, esquire.	Two acres, part of four acres, one lot, of William Gary, esquire, his heirs.
One acre and an half, part of three acres, one lot, belonging to Saint Peter's college, Cambridge.	Four acres, part of eight acres, two lots of Lathbury, clerk.
Three acres, part of six acres, in two lots, of Henry Morley, esq;	One acre and an half, part of four acres, one lot of William Easy.
One acre and an half, part of three acres, one lot, of James Harkness, esquire.	One acre and an half, part of four acres, one lot, of Robert Mayes.
Nine acres, part of eighteen acres, in six lots, of Henry Morley, esquire.	Two acres, part of four acres, one lot, of John Barret Rayner.
Eight acres, part of twelve acres, in four lots, of Henry Morley, esquire.	Five acres, part of eight acres, two lots, of Littleport feoffees.
Twelve acres, part of twenty five acres and an half, in eight lots and an half, of Henry Morley, esquire.	One acre, part of four acres, one lot, of John Cuttack.
One acre, part of three acres, one lot, of Henry Morley, esq;	One acre and an half, part of four acres, one lot, of James Clarke.
One acre, part of three acres, one lot, of James Harkness, esq,	One acre, part of four acres, one lot, of John Kennell.
Three acres, one lot, of Henry Morley, esquire, called Gull Piece.	One acre, part of four acres, one lot, of John Partheriche, esquire.
Abutting on the road to Littleport.	
In North Fen Side, under Littleport Field, commonly called Wood Fen.	One acre, part of four acres, one lot, of James Clarke.
Nine acres of Elizabeth Meader.	Eight acres, part of sixteen acres, four lots, of John Mayes.
Three acres, part of four acres, one lot of Henry Mayner.	Four acres, part of eight acres, two lots, of William Porter.
	Six acres, part of eight acres, two lots, of Daniel Clarke.
	Six acres, part of sixteen acres, four lots, of James Clarke.
	One acre and an half, part of four acres, one lot, of Isaac Harle.
	One acre and an half, part of four acres,

## LITTLEPORT.

In North Fen Side, under Littleport Field, commonly called Wood Fen.  
 Nine acres of Elizabeth Meader.  
 Three acres, part of four acres, one lot of Henry Mayner.

- acres, one lot, of master John Drage.
- Seven acres, part of sixteen acres, four lots, of ditto.
- Five acres, part of eight acres, two lots, of ditto.
- Two acres, part of four acres, one lot, of Christopher Gillett.
- One acre, part of four acres, one lot, of Henry Waddelow.
- One acre, part of four acres, one lot, of Anne Blissett.
- One acre, part of four acres, one lot, of Henry Waddelow.
- One acre, part of four acres, one lot, of widow Webb.
- One acre, part of four acres, one lot, of William Burridge.
- Three acres and an half, part of eight acres, two lots, of William Cuttlack's heirs.
- Four acres and an half, part of eight acres, two lots, of John Partheriche, esquire.
- Two acres and an half, part of four acres, one lot, of Thomas Evans, esquire.
- One acre and an half, part of four acres, one lot, of Thomas Gillett.
- One acre and an half, part of four acres, one lot, of master John Drage.
- Two acres, part of four acres, one lot, of William Dillimore.
- Two acres, part of four acres, one lot, of John Partheriche, esquire.
- One acre and an half, part of four acres, one lot, of Thomas James.
- One acre and an half, part of four acres, one lot, of Matthew Wildbore, esquire.
- One acre and an half, part of four acres, one lot, of Thomas James.
- One acre and an half, part of four acres, one lot, of William Dillimore.
- One acre, part of four acres, one lot, of Matthew Wildbore, esquire.
- One acre and an half, part of four acres, one lot, of master Thick-penny.
- Two acres, part of four acres, one lot, of Christopher Crabb.
- Four acres, part of eight acres, two lots, of John Partheriche, esquire.
- Two acres and an half, part of four acres, one lot, of Matthew Wildbore, esquire.
- Six acres, part of twelve acres, three lots, of Thomas Door.
- Three acres, part of eight acres, two lots, of master Thomas Tawney.
- Six acres, part of eight acres, two lots, of William Piggott.
- Three acres, part of four acres, one lot, of James Clarke.
- Three acre, part of four acres, one lot, of widow Blows.
- Two acres and an half, part of four acres, one lot, of master Thomas Tawney.
- Two acres and an half, part of four acres, one lot, of William Porter.
- Five acres, part of eight acres, two lots, of William Crabb.
- Two acres, and an half, part of four acres, one lot, of Matthew Burn.
- Two acres and an half, part of four acres, one lot, of John Barrett Rayner.
- Eight acres, two lots, of Sir William Brown, by the Knoll.
- The Knoll.  
In Westmoor, from Grunty Fen  
Divid by the Knoll Bridge.
- Twelve acres of John Barber, two lots, called Wadload lots.
- The Plains.  
Seven acres, part of nine acres, of Papworth Crabb.
- Six acres, part of nine acres, of Christopher Crabb.
- Six acres, part of nine acres, of Meader's heirs.
- Four acres, part of nine acres, of William Piggott.
- Two acres, part of nine acres, of Robert Crabb.
- Two acre, part of nine acres, of Christopher Crabb.

Seven acres, part of nine acres, of Lathbury, clerk.  
 Four acres, part of forty four acres, of mistress Doo.  
 Two acres, part of nine acres, of Sir William Brown.  
 Thirteen acres, part of eighteen acres, of Thomas Evans, esquire.  
 Four acres, part of nine acres, of Matthew Wildbore, esquire.  
 Three acres of Thomas Gotobed.  
 Six acres of master Skeeles.  
 Six acres of Thomas Prior.  
 Seven acres of Papworth Crabb.  
 Twenty one acres of master Thomas Tawney, in two pieces.  
 The estates of the widow Waddelow.  
 Three acres of master Thomas Tawney.  
 Five acres, part of six acres, of Papworth Crabb.  
 Two acres, part of three acres, of glebe land.  
 Two acres, part of three acres, of William Crabb.  
 Three acres of William Gary, esquire, his heirs.  
 Three acres of Sarah Robinson.  
 Three acres of widow Gillett.  
 Six acres of Christopher Crabb, in two pieces.  
 Three acres of widow Godson.  
 Six acres of James Clarke.  
 Two acres, part of three acres, of John Crabb.  
 Two acres, part of three acres, of John Cuttack.  
 Four acres, part of six acres, of John Crabb.  
 Three acres of Painter Meader.  
 Four acres, part of fourteen acres, of Matthew Wildbore, esquire.  
 On the south-west side of the Croft River.  
 From Blacklake Bridge to the Hundred Feet Bank.  
 Five acres, part of six acres, of Abigail Clarke.  
 Two acres, part of six acres, of Daniel Clarke.

Two acres, part of six acres, of Matthew Wildbore, esquire.  
 Six acres, part of twelve acres, of John Partheriche, esquire.  
 One acre and an half, part of six acres, of Sarah Blowes.  
 Seven acres, part of eighteen acres, of William Crabb, in three pieces.  
 Two acres, part of six acres, of Robert Garner.  
 Four acres, part of twelve acres, of Robert Crabb senior.  
 Seven acres, part of twelve acres, of Thomas Woodhouse, in two pieces.  
 One acre, part of twenty acres, called The Cambridge Croft.  
 Three acres, part of ten acres, of Thomas Evans, esquire.  
 Seven acres of William Crabb.  
 Apeshall Farms.  
 Fifteen acres of John Partheriche, esquire.  
 In master Evans's Farm.  
 Forty five acres, being the Hill.  
 Five acres and an half, the yards.  
 In Painter Meader's Farm.  
 Nine acres, called  
 Three acres, part of twenty seven acres.  
 Ten acres, being the Old Hill.  
 Three acres, the yards.  
 Two acres, part of twelve acres, called The Hassock Ground.  
 Ten acres, part of twelve acres, called Pont's Croft.  
 Twenty five acres, part of thirty five acres, of Thomas Evans, esquire.  
 Thirteen acres, part of eighteen acres, of Painter Meader.  
 One acre and an half belonging to ditto.  
 Ten acres, part of twenty four acres, of Mary Atkins, in two pieces.  
 Four acres of William Dillimore, the yards.  
 Six acres, part of seven acres, of ditto.  
 Two acres, part of twenty acres, of Thomas Evans, esquire.

- Five acres, part of thirteen acres of John Partheriche, esquire.
- Four acres, part of nine acres, of Robert Sutton.
- Four acres, part of nine acres, of John Partheriche, esquire.
- One acre of Matthew Easter, the Yard.
- Six acres, part of ten acres, of ditto.
- Five acres, part of sixteen acres, of Thomas Evans, esquire.
- Eight acres, part of forty acres, of Matthew Easter.
- Three acres, part of fourteen acres, of Thomas Evans, esquire.
- One acre and an half, part of three acres, of John Partheriche, esquire.
- One acre and an half, part of nine acres, belonging to Welney Feoffees.
- Seven acres, part of eleven acres (being the Home Stall) of Anthony South.
- Four acres of Lord Saint John (the Mustard Seed Yard).
- Eleven acres, part of thirty three acres, of ditto, in three pieces.
- On the north-east side of the Croft River.
- From the Hundred Feet Bank towards Littleport (the Crofts).
- Two acres, part of three acres, of Anthony South.
- Twelve acres, part of eighteen acres, of Sir William Brown.
- Two acres, part of three acres, of master East's heirs.
- Six acres, part of nine acres, of Thomas Evans, esquire.
- Fourteen acres, part of twenty seven acres, of William Crabb.
- Three acres, part of six acres, of Thomas Evans, esquire.
- One acre and an half, part of three acres, called Bread Bank.
- Three acres, part of six acres, of Thomas Evans, esquire.
- Four acres, part of nine acres, of Robert Sutton.
- Four acres of ditto, called the Yards.
- Four acres and an half, part of six acres, of Isaac Sallis.
- Seven acres, part of twelve acres, of Hannah Taylor.
- Ten acres, part of eighteen acres, of Welney Feoffees.
- Ten acres, part of seventeen acres, of Thomas Evans, esquire, in four pieces.
- Nine acres, part of twelve acres, of William Gary, esquire, his heirs.
- Three acres, part of twenty acres, of Thomas Evans, esquire.
- Three acres, part of twenty acres, of William Gary, esquire, his heirs.
- Two acres, part of nine acres, of Painter Meader.
- Four acres, part of ten acres, of William Dillimore.
- Two acres and an half, part of eleven acres, of Thomas Evans, esquire.
- Six acres and an half, part of twenty acres, of William Dillimore, in two pieces.
- Three acres, part of six acres, of Thomas Evans, esquire.
- Ten acres, part of eighteen acres, of Painter Meader.
- Three acres, part of twelve acres, of John Partheriche, esquire.
- One acre, part of six acres, of Thomas Evans, esquire.
- One acre and an half, part of six acres, of Mary Atkin.
- One acre and an half, part of four acres, of Thomas Evans, esquire.
- Two acres, part of eight acres, of William Crabb.
- One acre, part of six acres, of Thomas Evans, esquire.
- One acre and an half, part of eight acres, of William Gary, esquire, his heirs.
- One acre, part of six acres, of William Crabb.
- One acre, part of four acres, of Thomas Clarke.
- One acre and an half, part of six acres, of master John Drage.
- One acre, part of six acres, of William Piggott.

- One acre, part of four acres, of Thomas Evans, esquire.
- Six acres, part of eighteen acres, of William Gary, esquire, his heirs.
- Nine acres, part of eighteen acres, of Thomas Evans, esquire, in two pieces.
- Four acres and an half, part of eight acres, of Thomas Prior.
- One acre of Thomas Evans, esquire.
- Two acres, part of three acres, of ditto.
- Six acres, part of sixteen acres, of the widow Brasfett.
- One acre and an half, part of three acres, of Thomas Clarke.
- Six acres, part of nine acres, of Walton, clerk.
- Five acres of ditto.
- One acre, part of three acres, of widow Sindall.
- Two acres, part of four acres, of Thomas Clarke.
- Two acres, part of eight acres, of Lathbury, clerk.
- One acre, part of two acres, of Thomas Prior.
- Two acres, part of twelve acres, of John Barrett Rayner.
- Two acres, part of six acres, of Thomas Brasfett.
- Two acres, part of eight acres, of William Gary, esquire, his heirs.
- One acre and an half, part of seven acres, of Thomas Brasfett.
- One acre and an half, part of six acres, of Henry Youngs.
- Two acres, part of sixteen acres, glebe land.
- One acre, part of eight acres, of William Wilkinson.
- Two acres and an half, part of nine acres, of John Cuttlack.
- Four acres, part of sixteen acres, of Henry Waddelow.
- One acre and an half, part of six acres, of John Cuttlack.
- Two acres, part of sixteen acres, of Robert Crabb, junior.
- In Mow Fen, between Ferry Bridge and the Chair.
- Two acres and an half, part of six acres, of Mary Mobbs.
- Two acres, part of six acres, of Francis Hyde.
- Two acres and an half, part of six acres, of John Voyce.
- Four acres, part of six acres, of John Barrett Rayner.
- Twelve acres of Painter Meader, two lots.
- Six acres of Daniel Clarke.
- Six acres of John Love.
- Six acres of Daniel Clarke.
- Four acres, part of six acres, of ditto.
- Three acres and an half, part of six acres, of Robert Crabb, senior.
- S O U T H E R Y**, under the West Bank of the river Ouse.
- Half an acre, part of twelve acres of Sir Robert Burdett.
- One acre, part of eighteen acres, of ditto.
- One acre, part of twelve acres, belonging to the lady of Southery (Canham's Farm).
- One acre, part of four acres, of ditto (Gregory Porter's farm).
- One acre, part of four acres, of Isaac Cockram.
- One acre, part of four acres, of Woodhouse's.
- Half an acre, part of twenty acres, of Isaac Cockram (Ward's farm).
- H E L G A Y.**
- Six acres, part of fifty two acres, of Isaac Cockram, in four pieces (Wolley's Yard).
- Two acres, part of four acres, of ditto (Wolley's Yard).
- Two acres and an half, part of twenty five acres, of Sir Robert Burdett (Roper's farm).
- One acre, part of ten acres, of Sir Cecil Wray, called Baker's Hill.

	D E N V E R:
Two acres and an half, part of nine acres, of Christopher Barkham (Prior's farm).	One acre, part of twenty acres, glebe land.
One acre, part of eleven acres (Helgay Feoffees).	Two acres, part of five acres, of Abraham Wardle.
One acre, part of eleven acres, of William Galloway.	Seven acres and an half, part of forty one acres, of King Whitred, in three pieces (Hopkins's farm).
Four acres, part of forty acres, of Sir Cecil Wray, (Harland's).	Five acres of Lord Saint John (Langman's farm).
Two acres, part of one hundred acres, Helgay's Poor's Land.	Welney, by the Hundred Feet Bank.
Two acres, part of thirty acres, of Christopher Galloway, called Tiffany's.	Eighteen acres of William Greaves, esquire, (part of Flower's farm).
Six acres, part of fifty acres, of mistress Smith, called Doman's.	Six acres, part of twenty acres, called Fisher's Croft

## C A P. XXIII.

*An act for encouraging the fisheries in that part of Great Britain called Scotland.*

WHEREAS the extending and improving of the British fishery is of great importance to this kingdom, as it not only adds considerably to the national wealth, but is moreover a fruitful nursery of able seamen for the publick service: and whereas the same is greatly obstructed by certain restrictions, exactions and regulations, to which the fishers and curers of fish in North Britain are subject, either by custom or the laws now in force: and whereas it further appears that it would be very advantageous to trade in general, as well as to the fishery, if the said exactions and restrictions were taken off, and such new regulations made, as are more accommodated to the present circumstances of both: and whereas by an act made in the third session of the first parliament of the late Queen Anne, in Scotland, intituled, An act for advancing and establishing the fishing trade in and about that kingdom, all her Majesty's subjects of that kingdom are authorized and impowered to take and cure herring and white fish, in all and sundry the seas, channels, bays, firths, lochs, rivers and so forth, of that her Majesty's kingdom and islands thereto belonging, wheresoever herring or white fish are or can be taken; and for their greater convenience, to have the free use of all ports, harbours, shires, forelands and others, for bringing in, pickling, drying, unloading and loading the same, upon payment of the ordinary dues where harbours are built, that is, such as are paid for ships, boats and other goods; and discharges all other exactions, such as one night's fishing in the week, commonly called Saturday's fishing, Top-money, Stallage, and the like: and for the further explaining, enforcing and amending the said law; may it please your most excellent Majesty, that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the Lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That from and after the twenty fifth day of June one thousand seven hundred and

Act of the  
third session of  
Queen Anne  
in Scotland.

Power given  
to inhabitants  
to take, buy

from fishermen, and cure white fish, in any of the seas or rivers in Scotland, or islands thereto belonging. fifty six, all persons whatsoever, inhabitants of Great Britain, shall, and they are hereby declared to have power and authority, at all times and seasons, when they shall think proper, freely to take, buy from fishermen, and cure any herrings, cod, ling or any other sort of white fish, in all and every part of the seas, chansels, bays, firths, lochs, rivers or other waters, where such fish are to be found, on the coasts of that part of Great Britain called Scotland, and of Orkney, Shetland, and all other islands belonging to that part of Great Britain called Scotland;

any law, statute or custom, to the contrary in any wise notwithstanding: and if any person or persons whomsoever shall, after the twenty fifth day of June one thousand seven hundred and fifty six, under any pretence whatsoever, presume to obstruct or hinder any person or persons from fishing as aforesaid, in moonlight nights, or at any other time whatsoever, in all or any, or in any part of the said seas, chansels, bays, firths, lochs, rivers, or other waters as aforesaid, or shall demand or receive any gratuity or allowance whatsoever, either in money, fish or otherwise, under the name of Saturday Night's Fishing, or under any other name or pretence whatsoever, from any fisherman or other person, for the liberty of fishing in all or any, or in any part of the said seas, chansels, bays, firths, lochs, rivers and other waters, as aforesaid, every such person shall, for every such offence respectively, forfeit the sum of one hundred pounds Sterling, to be recovered in manner herein after directed; any law, usage or custom to the contrary notwithstanding.

The use of ports, harbours, and shores, allowed for landing nets, erecting stages and tents, and curing fish.

100 l. penalty on demanding or taking such consideration money.

II. And be it further enacted by the authority aforesaid, That all and every person or persons employed in the fishery, on the coasts of that part of Great Britain called Scotland, or on the said coasts of Orkney, Shetland, or any of the said islands, shall have and exercise the free use of all port, harbour, shores and forelands, in that part of Great Britain called Scotland, or in Orkney, Shetland, or any of the said islands, above the highest high water mark, and for the space of one hundred yards on any waste or uncultivated land, beyond such mark, within the land, for landing their nets, casks, and other materials, utensils and stores, and for erecting tents, huts and stages, and for the landing, pickling, curing, drying, and reloading their fish, without paying any foreland or other dues, or any other sum or sums of money, or other consideration whatsoever, for such liberty, except as hereafter excepted; any law, statute or custom whatsoever to the contrary notwithstanding: and if any person or persons shall presume to demand or receive any dues, sums of money, or other consideration whatsoever, for the use of any such ports, harbours, shores or forelands, within the limits aforesaid, so made use of for the purposes aforesaid, or shall presume to obstruct the fishermen or other persons employed in the taking, buying, or curing of fish in the use of the same, every person so offending shall, for every such offence, forfeit the sum of one hundred pounds Sterling, to be recovered and levied in manner herein after directed.

III. Provided

III. Provided always, That nothing in this act contained shall extend to exempt the vessels or boats employed in the said fishery, from the payment of such harbour or pier dues as are by law ought to be demanded for ships, vessels or boats, in piers or harbours, which are built or artificially made, but that such harbour or pier dues shall be paid in like manner as the same were liable to be paid before the passing of this act.

IV. And whereas it is found by experience that the barrels now used for packing and putting up of white herrings and wet white fish, in that part of Great Britain called Scotland, are not of proper thickness: be it further enacted by the authority aforesaid, That from and after the twenty fifth day of June one thousand seven ring barrels to hundred and fifty eight, the staves of all barrels in which such fish shall be packed or put up, shall be at least one half part of an inch thick throughout, and if after the said twenty fifth day of June one thousand seven hundred and fifty eight, any barrel or barrels containing such fish, shall be found to be of a less thickness, than one half part of an inch in any part of the said barrel, any officer of customs or excise, or any curer master in Scotland, are hereby authorized and required to seize the same, and upon proof thereof before any two justices of the peace, the owner or proprietor of such fish shall forfeit both fish and barrel.

V. And whereas by an act made in the fifth year of the reign of Queen Anne, intituled, An act for an union of the two kingdoms of England and Scotland; it is enacted, That from and after the union, the laws and acts of parliament in Scotland for pining, curing, and packing of herrings, white fish and salmon for exportation, with foreign salt only, without any mixture of British or Irish salt, be continued in force in Scotland, subject to such alterations as shall be made by a British parliament; and that for establishing an equality in trade, all fish exported from Scotland to parts beyond the seas, which should be cured with foreign salt only, without any mixture of British or Irish salt, should have the same easies, premiums and drawbacks, as were or should be allowed to such persons as export the like fish from England; by which enacting clause the curers of fish in that part of Great Britain called Scotland, are restricted and debarred from using either British salt, or a mixture of British and foreign salt, in the curing of any kind of fish for exportation, and have not the liberty of taking salt free of duty from the salt works for curing of fish for exportation, which restriction and prohibition are found by experience to be very detrimental to the fishing trade of that part of Great Britain called Scotland: and whereas by an act made in the fifth year of the reign of his late majesty King George the First, intituled, An act for recovering the credit of the British fishery in foreign parts, and for better securing the duties on salt; the curers of fish in that part of Great Britain called England are allowed to use either foreign or British salt, or to mix them in curing of any kind of fish, and also to import foreign salt, and take salt from the salt works without paying any duty for the same, except the customs payable on such foreign salt at the importation thereof, for curing of fish for ex-

portation only : and whereas, by an act made in the eighth year of the  
 3 Geo. 1. c. 15. reign of his late majesty King George the First, intituled, An act for  
 taking off the duty upon salt used in the curing and making of  
 white herrings ; and instead thereof laying a proportionable duty  
 upon all white herrings consumed at home only, the curers of  
 white herrings in that part of Great Britain called England, were  
 allowed to use such foreign and British salt as should be delivered to  
 them duty-free for the curing of fish for exportation, in the curing of  
 white herrings for home consumption, upon payment of a duty of three  
 shillings and four pence for every barrel of such white herrings as  
 should be entered for home consumption, under certain regulations and  
 penalties in the said act mentioned : and whereas, the extending the  
 said provisions and regulations in the said acts made in the fifth and  
 eighth years of the reign of his said late Majesty, would tend to the  
 encouragement and improvement of the fisheries in Scotland, and to  
 the benefit and advantage of the united kingdom ; be it therefore  
 further enacted by the authority aforesaid, That from and after  
 the twenty fifth day of June one thousand seven hundred and fifty  
 six, it shall and may be lawful for any person or persons whom-  
 ever in that part of Great Britain called Scotland, to import  
 foreign salt, and to take British salt there from the salt works,  
 without paying any duty for the same, for curing of fish for ex-  
 portation only ; except the customs payable upon the importa-  
 tion of such foreign salt ; and that it shall and may be lawful  
 for any person or persons whomsoever, in that part of Great Bri-  
 tain called Scotland, to use any such foreign or British salt as shall  
 be delivered duty-free for curing of fish for exportation, in the  
 curing of white herrings for home consumption ; and that the  
 said act made in the fifth year of the reign of his said late Ma-  
 jesty, intituled, An act for recovering the credit of the British fish-  
 ery in foreign parts, and for better securing the duties on salt ; and  
 also the said act made in the eighth year of the reign of his said

3 Geo. 1. c. 18. late Majesty, intituled, An act for taking off the duty upon all salt  
 used in the curing and making of white herrings ; and instead thereof  
 laying a proportionable duty upon all white herrings consumed at home

only ; and every clause, regulation, exemption, penalty, punish-  
 ment, proviso, rule, article, matter and thing whatsoever in the  
 said acts contained, so far as relates to the curing of fish for ex-  
 portation with salt, without payment of duty, and likewise to the  
 several rates or sums of money allowed upon the exportation of  
 fish from that part of Great Britain called England, and also to  
 the curing of white herrings for home consumption (except the  
 imposition of the said duty of three shillings and four pence per  
 barrel) shall be, and the same are hereby declared to extend to  
 that part of Great Britain called Scotland, in as full and ample  
 manner as if the same were repeated and re-enacted in this pre-  
 sent act ; any thing in the said acts or in any other act of par-  
 liament contained to the contrary notwithstanding.

A duty of 1s.  
 per barrel  
 payable in  
 Scotland on

VI. And be it further enacted by the authority aforesaid,  
 That for every barrel of white herrings containing thirty two gal-  
 lions, entered for home consumption in that part of Great Bri-

*tain called Scotland, the proprietor of such herrings shall pay a herring duty of one shilling, and so in proportion for every half barrel ; under the regulations and penalties prescribed and inflicted in the said last mentioned act, for the alienating, collecting, and recovering the said duty of three shillings and four pence per barrel.*

VII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to carry and bring from any port of that part of Great Britain called Scotland, to any port of that part of Great Britain called England, white herrings cured with British or foreign salt, the persons bringing the laid herrings into England, dominion of Wales, and town of Berwick upon Tweed, paying at the port to which the same shall be brought three shillings and four pence for every barrel of such white herrings, containing thirty two gallons, which shall be entered there for home consumption ; and so in proportion for every half or quarter barrel.

VIII. And whereas by an act made in the fifth year of the reign of his present Majesty, intituled, An act for reviving the duties on salt for the term therein mentioned ; it was enacted, That it should and might be lawful to carry and bring from any port of that part of Great Britain called Scotland, to any port of that part of Great Britain called England, white herrings cured with salt made in Scotland, the person or persons bringing the said white herrings into England paying at the port to which the same should be brought, two shillings and four pence for every barrel, containing thirty two gallons, of such white herrings brought from Scotland, and in proportion for half barrels, under certain regulations, restrictions and penalties in the said act mentioned : and whereas if liberty were also granted to bring salmon, cod, ling, tusk, and other white fish cured with salt made in Scotland, into any port of that part of Great Britain called England, for home consumption, the same would tend to the benefit and advantage of both parts of the united kingdom ; be it therefore further enacted by the authority aforesaid, That from and after the twenty fifth day of June one thousand seven hundred and fifty six, it shall be lawful to carry and bring, from any port of that part of Great Britain called Scotland, to any port of that part of Great Britain called England, for home consumption, any salmon, cod, ling, tusk, and other white fish, cured and imported with salt made in Scotland, for which the duty hath been paid or secured, the person or persons bringing such fish into England, dominion of Wales, and town of Berwick upon Tweed, paying at the port to which the same shall be brought, two shillings and four pence for every barrel, containing thirty two gallons of such fish wet ; and so in proportion for a greater or lesser quantity ; and one shilling and two pence for every hundred weight of such fish dry ; and so in proportion for a greater or lesser quantity.

IX. And be it further enacted by the authority aforesaid, That it shall and may be lawful to carry or bring, from any port or place of that part of Great Britain called Scotland, or the islands thereunto

as 4d. per barrel to be paid for salmon, cod, and other fish wet, cured with Scotch salt, and imported into England for home consumption ; and for dry fish is 2d. per C. weight.

Fish cured in Scotland, may be brought into England for thereunto

## An Act to Encourage the Fishery in Great Britain.

[1736.]

XX. And be it further enacted by the authority aforesaid, That no person belonging to any port of that part of Great Britain called England, for re-exportation, any herrings, salmon, cod, ling, tusk, and other white fish, the owner of the fish, or master of the vessel, making oath that such fish was caught in North Britain, or on the coasts thereof, and cured with salt delivered duty-free from some part of Great Britain, and when and where the same was so delivered.

Bounty allowed on the exportation of such fish to foreign parts,

on conforming to Act 5  
Geo. I. c. 18.

X. And be it further enacted by the authority aforesaid, That from and after the said twenty fifth day of June one thousand seven hundred and fifty six, all such herrings, salmon, cod, ling, tusk, and any other white fish, so brought coastwise from Scotland into England, dominion of Wales, and town of Berwick upon Tweed, shall upon exportation thereof, or any part thereof, to foreign parts, be intituled to the same allowances or bounties as by the said act passed in the fifth year of the reign of his late majesty King George the First, intituled, *An act for recovering the credit of the British fishery in foreign parts; and for better securing the duties on salt*, are granted on the exportation of fish cured in that part of Great Britain called England; such fish being subject to the same rules and regulations, in order to prevent the relanding or reimporting thereof, and the owners thereof subject to the same penalties in case of relanding, or any other fraudulent proceeding, in order to obtain the said bounties, as by the said act are prescribed and inflicted, in regard to fish cured in, and exported from, that part of Great Britain called England; any thing to the contrary thereof in any wise notwithstanding.

Debenture to be granted for the bounty,

and to be paid in Scotland.

XI. Provided always, and be it enacted, That no allowance or bounty granted by this act, shall be paid in that part of Great Britain called England, dominion of Wales, and town of Berwick upon Tweed; but the chief officer of the customs, or his deputy, at the port or place from which such fish shall be respectively exported, shall upon the request of the person or persons exporting the same, and oath made before the principal officers of the said port, who are hereby empowered to administer the same, of the shipping of the said fish, and its not being relanded, or intended to be relanded in Great Britain, give a debenture under his hand, without delay, fee or reward, for payment of the said allowances or bounties; which debenture being produced to the commissioners of the customs, or to the commissioners of the excise, at the option of the exporter or his assigns (in that part of Great Britain called Scotland), shall intitle the exporter of such fish, or his assigns, to the payment of the bounties granted by this act, which the said commissioners are hereby required to pay out of any money remaining in their hands, arising by any branch of his Majesty's customs or excise, regard being had to the priority of the dates of the said debentures in the payment thereof.

XII. Provided always, and be it further enacted, that the proprietor or proprietors of such herrings, salmon and white fish, as shall be shipped aboard any ship or vessel in any port or place in

Entry to be made at the port in Scotland, of all fish

in *Scotland*, or the islands thereunto belonging, to be transported, shipped for  
ed or carried to any port or place in *England*, dominion of *England*, or  
*Wales*, or town of *Berwick upon Tweed*, whether for home con- whether for  
sumption, or exportation to foreign parts, or their respective home con-  
agents, shall before any such ship or vessel depart from such port sumption, or  
or place in *Scotland*, or the islands thereunto belonging, make exportation;  
a full and particular entry with the collector, or other principal officer of the customs there, of the fish so shipped, expressing the number of barrels of wet fish, with the marks and numbers thereof, and the number and weight of each species of dry fish; and declare upon oath, that the said fish were cured in *Scotland*, or on the coasts thereto; and whether they were cured with salt delivered duty free, or with salt for which the duty payable by the above mentioned act hath been paid or secured; and that the said salt was taken on board from some port or place in *Great Britain*; and when and where it was so put on board; and that no drawback for the same hath been had, or intended to be had, upon the exportation of the said salt; which oath the said collector, or other principal officer of the customs is hereby authorized to administer an oath for that purpose, and grant a certificate, which is to be delivered to the officer of the customs in England, before the landing or re-shipping such fish.

to the master of such ship or vessel without delay, fee or reward, a certificate or cocquet, under his hand, that such entry or entries, oath or oaths, have been duly made; and that the master of every ship or vessel, wherein such fish shall be shipped or put on board, to be carried coastwise as aforesaid, or the proprietor or proprietors, or their respective agents, do, before landing or putting on shore the said fish, or any part thereof, or putting it on board any other ship or boat, in any port or place in *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, deliver the said certificate or cocquet to the proper officer of the customs in the port or place where the same shall be imported, brought in, or landed, or put on board any other ship or boat, upon pain of forfeiting all such fish, and also double the value thereof, that shall be imported, brought in, or landed, or put on board any other ship or boat, contrary to the true intent and meaning hereof, and likewise the casks or vessels in which such fish shall be found; to be recovered of the importer or proprietor of the fish, or of the master of the ship or vessel in which application of the same shall be imported and brought in, one moiety of all which penalties and forfeitures to the use of his Majesty, his heirs and successors, and the other moiety to the officer or officers, who shall seize, sue, or inform for the same, to be sued for, recovered, and levied, in such manner, and with such power of mitigation, as any fine, penalty or forfeiture, may be sued for, recovered, levied and mitigated by any law of excise, or by action of debt, bill, plaint or information, in any of his Majesty's courts of record at *Westminster*, wherein no escheat, protection, privilege or wager of law shall be granted or allowed, nor any more than one imparlance; and all officers of his Majesty's customs or duties upon salt are hereby authorized and impowered to seize all such herrings, salmon, cod, ling, tusk, or any salt duties, Officers of the customs and other may seize all

fish imported contrary to this act.

**Application of the duties on fish imported into England from Scotland.**

**Counterfeiting, &c. any cocquet, or using the same deemed forgery.**

**5 Geo. 2. c. 6. in part repealed.**

**2001. and one year's imprisonment, penalty on persons making a false oath.**

**Penalties and forfeitures how to be recovered and applied.**

**Copy of this act to be transmitted to the ministers of certain parishes in Scotland, to be read to the parishioners;**

**1755.**  
other white-fish imported, brought in, or landed, or put on board any other ship or boat, contrary to the true intent and meaning of this act, and also the casks and barrels in which any of the said species of fish shall be found.

**XIII.** And be it further enacted by the authority aforesaid, That the several rates and duties which shall be charged by virtue of this act upon fish brought from Scotland, or the islands therunto belonging, into England, Wales, or Berwick upon Tweed, aforesaid, shall be levied, charged, brought in, applied, issued and disposed of to the same purposes, and in the same proportions, as the duties upon salt and rock salt, and the duties upon red herrings and white herrings, are levied, charged, brought in, applied, issued and disposed of by virtue of any act or acts of parliament now in force.

**XIV.** And be it further enacted, That if any person or persons do presume to counterfeit, rase, or alter any certificate or cocquet, by this act directed to be made; or shall use any such certificate or cocquet, knowing the same to be so counterfeited, rased or altered, such person or persons shall incur the pains which are by law inflicted on persons found guilty of forgery.

**XV.** And be it further enacted by the authority aforesaid, That so much of an act passed in the fifth year of the reign of his present Majesty, intituled, *An act for reviving the duties on salt*, as relates to the importation of white herrings from Scotland into England, be, and is hereby repealed.

**XVI.** And be it further enacted by the authority aforesaid, That if any person shall falsely make any oath by this act directed to be made, and shall thereof be legally convicted in any of his Majesty's courts of record in Great Britain, such person so guilty shall forfeit the sum of two hundred pounds, and be imprisoned for twelve months.

**XVII.** And be it further enacted by the authority aforesaid, That the several penalties and forfeitures in this act mentioned, shall and may be prosecuted and determined by bill, plaint or information, in any of his Majesty's courts of record at Westminster, or in the court of exchequer in Scotland respectively, wherein no escheat, protection or privilege, wager of law, or more than one imparlance shall be allowed; and one moiety of the said penalties and forfeitures shall be to the use of his Majesty, and the other moiety to such person or persons as will sue for or prosecute the same.

**XVIII.** And to the end that no person in the highlands of Scotland, or the remote islands thereto belonging, may pretend to be or remain ignorant of those regulations, which more immediately concern them, be it therefore further enacted by the authority aforesaid, That the trustees for the fishery and manufactures of Scotland shall, as soon as may be, transmit one copy of this act to each of the ministers of the several parishes within the synods of Ayrshire, Ross, Murray, Sutherland and Caithness and Orkney; and that each of the said ministers shall, immediately after divine service, on the last Sunday of the month of May in every

every year, for every successive year, commencing with the year one thousand seven hundred and fifty seven, publickly, audibly, and distinctly read to his parishioners, in the language best understood by them, the former part of this act, from the beginning thereof to the conclusion of the third enacting clause; and also that the judges of Scotland shall order the said part of this act to be publickly, audibly, and distinctly read at the opening of each circuit court, to be held at Inveras a and Invernes every year for four years successively, beginning in the year one thousand seven hundred and fifty seven.

XIX. And be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this act, the defendant or defendants in any such action or suit, may plead the general issue, and give this act, and the special matter in evidence, at any trial to be had thereupon; and that the same was done in pursuance, and by the authority of this act: and if it shall appear to have been done, the jury shall find for the defendant or defendants; and if the plaintiff or plaintiffs shall be nonsuited, or discontinue his or their action or actions, after the defendant or defendants shall have appeared, or if judgment shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same, as any defendant or defendants have in other cases by law.

#### C A P. XXIV.

*An act for granting to his Majesty certain sums of money out of the sinking fund, and applying certain monies remaining in the exchequer, for the service of, the year one thousand seven hundred and fifty six.*

Most gracious Sovereign,

WE your Majesty's most dutiful and loyal subjects the commons of Great Britain in parliament assembled, being desirous to raise the sum due of the necessary supplies, which we have cheerfully granted to your Majesty in this session of parliament, by ways and means the best convenient to your Majesty's subjects, have resolved to give and grant to your Majesty the sums herein after mentioned, and do therefore most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That the sum of two hundred fifty five thousand nine hundred and fifty five pounds, eleven shillings, and eleven pence halfpenny, remaining in the receipt of the exchequer, of the income of the tontines, excises, overplus monies, and other revenues, composing the fund, commonly called The Sinking Fund, for the quarter ended the fifth day of April one thousand 1756,

255,955 L. 11 s.  
1 d. 2 q. sur-  
plus of the  
linking fund  
remaining in  
the exchequer,  
for the quar-  
ter ending 5  
thousand April 1756.

446

seven hundred and fifty six, then and may be hired and applied, for and towards the supply granted to his Majesty, for the service of the year one thousand seven hundred and fifty six; and the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, are hereby authorized and empowered to issue and apply the same accordingly.

II. And be it further enacted by the authority aforesaid, That by or out of such monies as shall thereafter from time to time be and remain in the receipt of the exchequer, of the surpluses, excesses, overplus monies, and other revenues composing the said fund (after paying, or reserving sufficient to pay, all such sums of money as have been directed by any former act or acts of parliament to be paid out of the same) there shall and may in like manner be issued and applied, a sum not exceeding the sum of one million and three hundred thousand pounds, for and towards the said supply.

III. And be it further enacted by the authority aforesaid, That the several sums amounting in the whole to the sum of eighty three thousand four hundred and twelve pounds, two shillings and five pence halfpenny, remaining in the receipt of the exchequer, being monies disposable by parliament for the publick service, be in like manner issued and applied at the said receipt, for and towards the said supply.

The aforesaid sum of  
1,300,000.  
may be bor-  
rowed on the  
credit of the  
sinking fund.

with 83,412l.  
2s. 5d. 2q re-  
maining in the  
exchequer, un-  
appropriated,  
granted for the  
service of the  
current year.

IV. And whereas it may so happen, That there may be a want of money for carrying on the current service of the year one thousand seven hundred and fifty six, before monies sufficient may have arisen into the exchequer, from the said surpluses, excesses, or overplus monies, commonly called The sinking fund to satisfy and pay the said sum of one million and three hundred thousand pounds, by this act granted; it such case it shall and may be lawful to and for the said commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, by warrant under their hands, to permit and suffer any person or persons, body or bodies politic or corporate, to advance and lend unto his Majesty, at the receipt of his exchequer, so much money as together with the monies then remaining in the said exchequer, of the said surpluses, excesses or overplus monies, shall be wanting to compleat the said sum of one million and three hundred thousand pounds, upon the credit of the growing produce of the said surpluses, excesses or overplus monies, and to be repaid out of the same, as they shall quarterly afterwards arise, together with interest for the forbearance thereof in the mean time; any thing herein before contained to the contrary notwithstanding.

## C A P. XXV.

An act for appointing a sufficient number of constables for the service of the city and liberty of Westminster; and to compel proper persons to take upon them the office of jurymen, to prevent nuisances, and other offences, within the said city and liberty.

WHEREAS by reason of some defects in an act of parliament, passed in the twenty seventh year of the reign of Queen Elizabeth, intituled, An act for the good government of the city and borough of Westminster in the county of Middlesex; the publick ways and passages are greatly obstructed, and many other annoyances and offences are daily committed within the said city and borough: and whereas by reason of the great increase of buildings in Westminster of late years, and of some irregularity in the appointment of constables for the said city and borough, there is not at present a sufficient number of those officers for the service of Westminster: to remedy which said evils; may it please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That from and after the twenty fifth day of June one thousand seven hundred and fifty six, the dean of the collegiate church of Saint Peter, Westminster, for the time being, or the high steward of the city and liberty of Westminster for the time being, or his lawful deputy, is hereby authorized and required (calling to his assistance the burgesses of the said city and liberty of Westminster, if the said dean, or high steward or his deputy, shall think fit) at a court leet to be holden for the said city and liberty, on Tuesday next following the feast of Saint Michael the archangel in every year, yearly to appoint eighty able and fit persons residing within the said city and liberty, being artificers, or persons using any trade of buying or selling (alehouse-keepers, victuallers, or persons retailing spirituous liquors, only excepted) to be constables for the said city and liberty of Westminster, being duly presented thereto, in manner herein after mentioned and directed.

II. And for the better and more easy executing the said office to be chosen of constable, and for preserving the peace in Westminster; be it further enacted by the authority aforesaid, That the constables to be appointed as aforesaid, shall be chosen out of the several parishes in Westminster as followeth; that is to say, There shall be yearly chosen out of the parish of Saint Margaret fourteen; out of the parish of Saint John the Evangelist four; out of the parish of Saint Martin in the Fields fourteen; out of the parish of Saint George Hanover Square twelve; out of the parish of Saint James fourteen; out of the parish of Saint Anne eight; out of the parish of Saint Paul Covent Garden six; out of the parish of Saint Clement Danes six; and out of the parish of Saint Mary

Eighty constables to be appointed yearly for the city and liberty of Westminster,

## Anno vice regis Geor. II. 1731.

who are to take the usual oath of office, and serve for one year.

*Mary le Strand* two ; and the constables so appointed shall take the usual oath of office, and shall do and execute all and every matter and thing appertaining and belonging to the office of constable, for the space of one whole year, to commence from their appointment to the said office, or until other persons shall be appointed in their stead, or shall find fit suitable persons, to be approved of by the said court leet, to serve and take the oath of the office of constable, as their deputies, and in their room and stead ; such other persons not being alehousekeepers, victuallers, or persons retailing spirituous liquors.

Precepts to be issued for returning and summoning a leet jury.

III. And in order that fit and proper persons may be appointed to the said office of constable ; be it further enacted by the authority aforesaid, That the said dean of Westminster for the time being, or the said high steward for the time being, or his deputy (calling to his assistance the burgesses of the said city and liberty of Westminster, if the said dean, or high steward, or his deputy, shall think fit) shall and may, and he is hereby authorized and required to issue out a precept or precepts within six weeks before the feast of Saint Michael in every year, directed to the high bailiff of Westminster, who is hereby authorized, directed and required to obey the same, to impanel and return forty substantial householders and traders residing within the said several parishes in Westminster, in the proportions before mentioned ; and to summon such persons to appear at such time and place as in such precept or precepts shall be directed and appointed ; and out of the persons so impanelled, summoned and returned, the said dean, or high steward, or his deputy (calling to his assistance the burgesses of the said city and liberty of Westminster, if the said dean, high steward, or his deputy, shall think fit) shall, at a court to be held by him for that purpose, nominate and appoint so many as he shall think fit, not exceeding thirty, taking care that one or more be nominated out of each of the said parishes ; and that the persons so nominated and appointed shall be called *The Leet Jury*, and shall be sworn to present to the said court fit and proper persons to be chosen and appointed constables for the service of the city and liberty of Westminster for the year then next ensuing ; that is to say, The said jury shall present to serve as constables for the parish of Saint Margaret twenty eight ; the parish of Saint John the Evangelist eight ; the parish of Saint Martin in the Fields twenty eight ; the parish of Saint George Hanover Square twenty four ; the parish of Saint James twenty eight ; the parish of Saint Anne fifteen ; the parish of Saint Paul Covent Garden twelve ; the parish of Saint Clement Danes twelve ; and the parish of Saint Mary le Strand four ; out of which said number so presented the said court shall, at the time, and in the manner and proportions herein before directed, appoint eighty to be constables to serve for the said city and liberty ; and the persons so nominated and appointed to be *The Leet Jury*, shall continue in the said office for one whole year, or till others are appointed and sworn in their room and stead.

who are to present a certain number of proper persons out of each parish to serve as constables.

Leet jury to continue in office for one year.

IV. Provided always, and be it enacted by the authority aforesaid,

foresaid, That in case any person who shall be summoned by the ~~cos.~~ fine on said high bailiff, by virtue of any precept or precepts to be directed as aforesaid, to take upon him the said office of juryman, shall neglect or refuse to appear according to the direction of such summons, or appearing shall refuse to take upon him the said office of jury-Office (being thereunto appointed) or shall at any time refuse to men.

appear to present proper persons to be constables, being duly summoned for that purpose, every such person shall forfeit the sum of forty shillings; which said sum of forty shillings shall be set upon him by the said court by way of fine for such his contempt or refusal, to be recovered in such manner as is herein after directed.

V. And be it further enacted by the authority aforesaid, Precepts to be issued for summoning persons presented by the jury as aforesaid, as fit and proper persons for the office of constable, shall by a precept or precepts from the said court, to serve as be summoned by the petty constables to whom such precept shall be directed, to appear at the said court leet, to be holden for the attend the city and liberty of Westminster, to take upon them the said office; and in case any person that shall be so summoned, shall neglect to appear according to the direction of such summons (proof being made of the service of such summons on oath) or appearing, shall refuse to take upon him the office of constable, being thereunto appointed as aforesaid, or to find a fit and able person, then to take upon him the said office in his stead, every such person shall forfeit the sum of eight pounds; which said sum of eight pounds shall be set upon him by the said court, by way of fine, for such his contempt or refusal to take upon him the said office; to be recovered in such manner as is herein after directed.

VI. And be it further enacted by the authority aforesaid, That the said dean, or high steward, or his deputy, shall and may, and he is hereby authorized and empowered to adjourn the said court leet from time to time, as he shall think fit and in case time, and on any constable shall die, remove out of the parish for which he was appointed, or shall be discharged from his said office on account of his inability, or for other just cause, it shall be lawful for him, and he is hereby authorized and empowered, at such adjourned courts, to summon others before him, being first presented by the jury as aforesaid; which said jury, the said dean, or high steward, or his deputy, shall summon for that purpose, and to appoint one or more of such fit person or persons to serve as constables or constable in the room and stead of such person or persons as shall die, be removed or discharged as aforesaid, in like manner as is before directed for appointing constables at the annual leet; and all persons who shall be so summoned and appointed, are hereby required to appear and take upon them, or find other fit persons to take upon them the execution of the said office, on pain of the like penalties and forfeitures as are before inflicted upon persons refusing to appear, according to the direction of their summons, or to take upon them the execution of the office of constable, at the annual leet.

None liable to serve as constable,

or juryman, more than once in seven years.

High constable to be chosen, who is to take the usual oath of office, and serve for one year.  
On his death or removal another to be appointed.

None may serve as high constable for more than three years together.  
20l. penalty not serving the said office.

Precepts to be issued for returning and summoning an annoyance jury.

VII. Provided always, and be it further enacted by the authority aforesaid, That no person who hath served or shall hereafter serve, by himself or deputy, the office of constable, shall be presented again to the said office, or shall be summoned or appointed to serve the same in less than seven years after the end of such former service; and that no person who hath been or shall be nominated and sworn to be on the leet jury, and hath served or shall serve the said office of juryman, shall be again summoned or appointed to serve the said office, in less than seven years after the end of such former service.

VIII. And be it further enacted by the authority aforesaid, That the said dean, or high steward, or his deputy, shall, at the said court leet to be holden on *Tuesday* next after the feast of Saint *Michael* yearly, appoint an able person, being an artificer, or using some trade of buying and selling, and not being an alehouse-keeper, victualler, or retailer of spirituous liquors, to be high constable of the said city and liberty of *Westminster*, being duly summoned for that purpose, who shall take the usual oath of office, and do and execute all and every matter and thing appertaining to the office of high constable for the space of one whole year, to commence from his appointment to the said office, or until another person shall be appointed in his stead; and that in case of the death or removal of such high constable, the said dean, or high steward, or his deputy, shall at some adjournment of the said leet, appoint another person to serve in his room, being duly summoned for that purpose.

IX. Provided always, That no person shall serve the said office of high constable for more than three years together; and every person who shall be so summoned and appointed, is hereby required to appear and take upon him the execution of the said office of high constable, on pain of forfeiting the sum of twenty pounds; which said sum shall be set upon him by way of fine, for such his contempt or refusal to take upon him the said office; to be recovered in such manner as herein after is directed.

X. And whereas the obstruction of the publick ways and passages in *Westminster*, and other annoyances and offences committed therein, are greatly owing to the want of a sufficient power to compel persons to take upon them the office of jurymen, to prevent nuisances and other offences committed in *Westminster*, and to the want of an easy method of recovering the ameriagments set by such jury; be it therefore enacted by the authority aforesaid, That the said dean, or high steward, or his deputy, the two chief burgesses of *Westminster*, and the other burgesses for the time being, or any five of them, whereof the said dean, high steward, or his deputy, or one of the said two chief burgesses, to be one, shall and may, and they are hereby authorized and required, twice in every year, to issue out their precept or precepts under the common seal of their court, directed to the high bailiff of *Westminster*, who is hereby authorized, directed and required to obey the same, to impanel and return eighty substantial householders and

and traders rendering and dwelling within the said several parishes in Westminster, in the proportions before-mentioned, and to summon such persons to appear before them, at such time, and such place, as in such precept or precepts shall be set forth; and out of the persons so impanelled, summoned and returned, the said dean, high steward, or his deputy, \*the said two chief burgesses, and the other burgesses, or any five of them, whereof the said dean, high steward, or his deputy, or one of the two chief burgesses, to be one, shall, at a court to be held for that purpose, nominate and appoint so many as they shall think proper, not exceeding forty eight, taking care that one or more be taken by the nominated out of each of the said parishes; and that the several persons so nominated and appointed shall be called *The Annoyance Jury*, and shall take an oath to the effect following; which oath the said court are hereby empowered to administer.

*I A. B. do swear, That I will diligently enquire and make true presentment to this court of all such publick annoyances, and other offences, that shall be committed in Westminster, during the time of my continuance in the office whereto I am now appointed: and that I will present no person or thing through hatred or malice, nor leave any unpresented through love, favour or affection.*

So help me G O D.

XI. Provided always, and be it enacted by the authority aforesaid, That in case any person who shall be summoned as aforesaid to take upon him the said office of juryman, shall neglect or refuse to appear according to the direction of such summons, or appearing, shall refuse to take upon him the said office (being thereunto appointed) every person so offending shall forfeit the sum of forty shillings; which said sum shall be set upon him by the said court, by way of fine, for such his contempt or refusal to take upon him the said office; to be recovered in such manner as is herein after directed.

XII. And be it further enacted by the authority aforesaid; That the *Jury of Annoyance* to be appointed as aforesaid, shall divide themselves into smaller bodies, not being less than twelve in each body, and they are hereby authorized and required, as often as they shall be directed by the said court, strictly to inquire into, and present to the said court, according to their oath, upon their own view and knowledge, all defective and bad pavements, and all annoyances in, obstructions of, or encroachments upon, any of the publick ways or passages within the said city or liberty; and the said jury shall give or leave notice in writing of their intention to present the same, at the house or houses to which such defective pavements belong, or to the person or persons who shall cause or suffer such annoyances, obstructions or encroachments; and if such pavements are not amended, or such annoyances, obstructions or encroachments, removed within fourteen days after such notice given, then the

## Anno viceimo nono GEORGI II. sc. 25.

**40s. fine en  
persons insult-  
ing or obstruc-  
ting the jury,  
In the execu-  
tion of their  
office.**

said jury shall amerce the person or persons inhabiting the said house or houses, or causing or suffering such annoyances, obstructions or encroachments, in such sums as they shall think proper, according to the nature of the offence, not exceeding forty shillings for any one offence; to be recovered in such manner as is herein after directed: and if any person or persons shall abuse or insult any of the said *Jury of Annoyance*, when they are in the execution of their office, or shall any way obstruct them in executing the duties of the said office, it shall be lawful for any one or more justice or justices of the peace for the said city and liberty of *Westminster*, upon the fact alledged being duly proved upon the oath of two or more credible witnesses, to fine such person or persons so offending as aforesaid, in any sum not exceeding forty shillings; to be recovered in such manner as is herein after directed.

**Duty of the  
jury and  
court, with  
respect to the  
pavements  
and anno-  
ances before  
empty houses.**

XIII. And be it further enacted by the authority aforesaid, That where the said *Jury of Annoyance* shall upon their view as aforesaid, find any bad or defective payment, belonging to any empty house or building within the said city or liberty, or any annoyance before such house or building, it shall and may be lawful to and for the said jury, and they are hereby authorized, directed and required, to present such defective or bad pavement, or such nuisance, to the said court of burgesses, first leaving notice in writing on the door or other publick part of such empty house or building, of their intention to present the same; and in case the owner or owners, proprietor or proprietors, of such house or houses, building or buildings, shall not within fourteen days after such notice given as aforesaid, cause such pavement to be amended, or such annoyance removed, then the said court shall forthwith cause such pavement to be repaired, or such nuisance to be removed, and the said jury shall amerce the owner or owners, proprietor or proprietors, of such house or building, in such sum or sums of money as by the order and directions of the said court shall be laid out and expended in making good such defective pavement, or removing such nuisance, and the charge attending the same; which said amercement or amerciaments so set as aforesaid, shall be levied on the next tenant or tenants, occupier or occupiers, of the ground floor of such house or houses, building or buildings, in such manner as is herein after directed for the levying of other amerciaments that shall be set and imposed by virtue of this act; and it shall and may be lawful to and for such tenant or tenants, occupier or occupiers, of such houses or buildings, who shall pay any sum or sums of money so amerced as aforesaid (if they shall pay the same voluntarily) to deduct and detain out of their rent then due, or thereafter to grow due, all and every such sum or sums of money as they shall so pay.

**Amerciament  
may be levied  
on the suc-  
ceeding te-  
nant,**

**who is to de-  
duct the same  
out of the  
rent.**

**Duty of the  
jury with re-  
spect to  
weights and  
measures.**

XIV. And for preventing persons dealing by unlawful weights, balances or measures, within the said city or liberty of *Westminster*; be it further enacted by the authority aforesaid, That the said *Annoyance Jury* shall and are hereby authorized and impow- ered,

and, at all seasonable times in the day time, to enter into any shop, house or warehouse, within the said city and liberty, belonging to any person or persons that deal by weight or measure; and if the said jury shall find any weight, balance or measure, to be unlawful or defective, it shall and may be lawful to and for the said jury, and they are hereby directed and required, to break and destroy the same, and to amerce the person or persons so offending, in such sum or sums of money as they shall think proper, according to the nature of the offence, not exceeding forty shillings for any one offence.

XV. Provided always, and be it enacted by the authority aforesaid, That no person who hath been or shall be nominated and appointed to be on the *Annoyance Jury*, and hath served or shall serve the said office of juryman, shall be again summoned or appointed to serve the said office, in less than three years after the end of such former service.

XVI. And be it further enacted by the authority aforesaid, That in case the said high bailiff or his deputy, or other officer acting under him, or under the order or authority of the said other officer, Court, by virtue of this act or otherwise, shall ask, demand, or take of any person or persons whatsoever, any sum or sums of money or other gratuity or reward whatsoever, for or under pretence of excusing any person or persons from appearing to serve, or for not summoning any person or persons to serve the said office of constable, or to serve on either of the juries aforesaid, or on any other jury within the said city and liberty of *Westminster*; or if any person whatsoever shall give any sum or sums of money, or other reward whatsoever, to any such officer as aforesaid, for or on account of excusing him from serving or being summoned to serve the office of constable, or to serve on such juries, that then and in either of such cases, it shall and may be lawful for any one or more justice or justices of the peace for the said city and liberty of *Westminster*, upon the fact alledged being duly proved upon the oath of two or more credible witnesses, to fine such person or persons so offending as aforesaid, in any sum not exceeding forty shillings, to be recovered in such manner as is herein after directed.

XVII. And be it enacted by the authority aforesaid, That fines and amerciaments set or imposed upon any person or persons by the authority of this act, it shall and may be lawful for the high bailiff of *Westminster*, or his deputy or deputies, and he and they are hereby authorized, directed and required, by a warrant or warrants from the said court leet, or by a warrant or warrants under the common seal of the said court of burgesses, or by a warrant or warrants from the justice or justices of the peace before whom any such person or persons shall be convicted as aforesaid, to levy all and every such fine and amerciament as shall be set and imposed as aforesaid, by distress of the goods and chattels of every such person or persons as shall be fined or amerced as aforesaid, being then resident or inhabiting within the said city or

Anno vicelimo nono GEORGI II. Regis.

For want of  
distress, and on  
non-payment,  
offender to be  
committed.

liberty of *Westminster*, and to cause sale to be made thereof in case they shall not be redeemed within five days, rendering the overplus, if any, to the owner, upon demand, after deducting the reasonable charges of such distress and sale; and if such offender or offenders shall not have goods or chattels within the said city and liberty, whereof such fine or fines, americiament or americiaments, can be levied as aforesaid, then and in such case, and upon the non-payment of such fine or fines, americiament or americiaments, it shall and may be lawful for any one or more justice or justices of the peace, by warrant under his or their hand and seal, or hands and seals, to commit such offender or offenders to one of his Majesty's gaols, within the city or liberty of *Westminster*, there to remain for the space of ten days, unless he, she or they shall sooner pay, or cause to be paid, the said fine or fines, americiament or americiaments, so imposed as aforesaid; in which case, he, she or they, on payment thereof, shall be forthwith discharged out of custody.

Fines to be  
paid over to  
the overseers,  
and applied in  
aid of the  
poors rate.

XVIII. And be it further enacted by the authority aforesaid, That all and every the fine or fines which shall be set, imposed and recovered, by virtue of this act, shall, from time to time, be paid by the high bailiff of *Westminster*, or other person into whose hands the same shall come, within fourteen days next after the receipt thereof, to the overseers of the poor for the time being of the several parishes in *Westminster* respectively, out of which the same shall be so recovered, who shall give a receipt or receipts for the same; and the said overseers are hereby directed and required to apply the said fine or fines to the same uses and purposes that the poor rates in the said several parishes are by law to be applied; and shall duly account upon oath for the same at the time, and in the manner, they are obliged to account for all other sums of money that shall come into their hands; and all and every the americiament and americiaments, which shall be set and imposed by the said *Annoyance Jury*, and recovered by virtue of this act, shall be applied and disposed of in manner following; that is to say, The said high bailiff for the time being, shall be, and he is hereby intitled to one moiety or half part thereof, and shall receive and take the same to his own use, and the other moiety or half part thereof shall be taken and applied by the said court of burgesses to pay the necessary charges and expences that shall attend the execution of this act.

Americia-  
ments set by  
the annoy-  
ance jury, to  
go to the high  
baillif, and  
court of bur-  
gesse.

Limitation of  
actions.

XIX. And be it further enacted by the authority aforesaid, That if any suit shall be brought or commenced against any person or persons for any thing done in pursuance of this present act, or in relation to the premisses, that in every such case, the action shall be commenced within six months next after the fact committed, and not afterwards; and shall be laid and brought in the county of *Middlesex*, and not elsewhere, except the person or persons against whom such action shall be brought, shall remove into and reside in the city of *London*; in which case, the said action shall be laid and brought in the said city of *London*; and the defendant or defendants in such action by actions to

to be brought, may plead the general issue, and give this act General issue and the special matter in evidence, at any trial to be had there-upon; and that the same was done in pursuance and by the au-thority thereof; and if it shall appear so to be done, or if any such action or suit shall be brought after the time before limited for bringing the same, or shall be brought in any other county, city or place, than the county of *Middlesex* (except in such case as aforesaid) that then and in such case the jury shall find for the defendant or defendants; and if upon such verdict, or if the plaintiff or plaintiffs shall become nonsuit, or discontinue his, her or their action or actions; or if a verdict shall pass a-gainst the plaintiff or plaintiffs; or if upon demurrer, judg-ment shall be given against the plaintiff or plaintiffs, the de-fendant or defendants shall and may recover treble costs, and have the like remedy for the same, as any defendant or defen-dants hath or have for costs of suit, in other cases by law.

Treble costs.

XX. Provided always, That this act, or any thing or matter Exemptions therein contained, shall not extend to the church or college of from this act. *Westminster*, nor to the close of *Westminster*, nor to any person or persons inhabiting within the site, circuit or precinct of the said church, college or close, for any offence or misgovernment to be committed by them or any of them, within the site, cir-cuit or precinct of the said church, college or close.

### C A P. XXVI.

*An act for further continuing an act of the sixth year of the reign of his present Majesty, for securing and encouraging the trade of his present Majesty's sugar colonies in Amer-rica ; to indemnify commissioners of the land tax for counties at large and ridings, who have acted by virtue of leasehold estates ; and to obviate a doubt relating to the qualification of commissioners of the land tax, for the city and liberty of Westminster.*

W H E R E A S an act made in the sixth year of the reign of his present Majesty, intituled. An act for the better securing and encouraging the trade of his Majesty's sugar colonies in Amer-rica ; and which by several subsequent acts hath been continued, until the twenty fourth day of June one thousand seven hundred and fifty six, hath by experience been found useful and beneficial, and is near ex-piring; may it therefore please your Majesty, that it may be en-acted ; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons, in this present parliament assembled, and by the authority of the same, That the said act shall be, Further con-tinued for three years.

II. And whereas in an act made in this session of parliament, for granting an aid to his Majesty by a land tax, for the service of the veral land tax year one thousand seven hundred and fifty six; and also in several fur-acts, respec-ting the qua-

Anno viceimo anno Georgii II.

mer acts for granting a land tax to his Majesty, for the service of the respective years in such acts mentioned; it was enacted, That no person should be capable of acting as a commissioner, in the execution of such acts respectively, or any of the powers therein contained, in or for any county at large, within England, the dominion of Wales (except as is therein excepted) or in or for any of the ridings of the county of York, unless such person was seized and possessed of lands, tenements or hereditaments, which were taxed, or did pay in the same county or riding, for the value of one hundred pounds per annum or more of his own estate, to the land tax for the preceding year: and whereas several persons appointed commissioners for putting such acts in execution, within counties at large, or within the said ridings, have acted as commissioners by virtue of being possessed of leasehold estates, for term or terms of years, and of being taxed, or having paid to the land tax for such estates, to the amount, and in the manner in the said acts mentioned, and thereby may have incurred the forfeitures mentioned in the said acts; be it therefore enacted by the authority aforesaid, That every such person shall be, and is hereby indemnified for having acted as a commissioner in the execution of such acts; and is hereby exonerated, freed and discharged, of and from all penalties and forfeitures incurred or to be incurred, before the twenty fourth day of June one thousand seven hundred and fifty six, for or upon account of acting in the execution of such acts; any thing in the said acts, or either of them, contained to the contrary notwithstanding.

Commission  
indemnified  
for having  
acted under  
the said acts;

if judgment  
against them  
be not already  
obtained.

Clauses in the  
recited acts, i.e.  
specifying the  
qualification  
of commis-  
sioners for  
Westminster,  
explained, &c.

III. Provided always, That this act shall not extend to vacate or set aside any judgment, against any person for having acted in the execution of any or either of the said acts, without being qualified in the manner required by such acts respectively.

IV. And whereas by the said acts for granting aids to his Majesty by a land tax, it is enacted, That no person should be capable of acting as a commissioner in the execution of such acts respectively, or any of the powers therein contained, within the city and liberty of Westminster, unless such person was seized and possessed of lands, tenements or hereditaments, being freehold, copyhold or leasehold, over and above all ground rents, incumbrances and other reservations, payable out of, or in respect of such leasehold estates which were taxed, and did pay in the said city and liberty, for the value of twenty pounds per annum or more, of his own estate to the land tax, for the service of the respective years mentioned in the said several acts: and whereas some doubts have arisen upon the construction of the said several acts, in relation to the commissioners acting within the said city and liberty; be it therefore enacted and declared by the authority aforesaid, That the said several acts did, do and shall extend, and ought to be construed, adjudged and taken to extend, to authorize all and every of the commissioners named in, or appointed by the said several acts, or any of them, who were, are or shall be, at the times of their acting as commissioners, within the said city or liberty, possessed of any leasehold estate or estates, over and above all ground rents, incumbrances, and other reservations, payable out of, in respect of the same, which were taxed and did pay, in the said

said city or liberty, for the value of twenty pounds *per annum* or more, of his own estate to the land tax, for the service of the respective years mentioned in the said several acts, to put the said several acts, and all and every the powers therein contained, in execution, in as full and ample a manner, as if such person or persons had been, or were seized and possessed of any freehold or copyhold estate or estates, which were taxed, and did pay to the land tax, within the said city or liberty, for the said respective years, in the said acts mentioned, for the same value; any thing in the said in part recited acts, or any or either of them, to the contrary thereof in any wise notwithstanding.

### C A P. XXVII.

*An act for extending the act of the twenty second year of his present Majesty (for amending, explaining, and reducing into one act of parliament, the laws relating to the government of his Majesty's ships, vessels, and forces by sea) to such officers, seamen and others, as shall serve on board his Majesty's ships or vessels employed upon the lakes, great waters, or rivers, in North America.*

WHEREAS divers of his Majesty's ships or vessels are at present, and may hereafter be occasionally employed in and upon certain lakes, great waters, or rivers, in North America, not within the body of any county actually settled by the King's subjects, and under the regular government of his laws and courts, although the same may be within his Majesty's dominions: now in order to obviate any doubts which may arise touching the good regulation and government of all such officers, seamen and others, as do, or for the time being, shall serve on board any of his Majesty's said ships or vessels so employed as aforesaid; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same,

That a certain act of parliament made in the twenty second year of the reign of his present Majesty (intituled, *An act for amending, explaining and reducing into one act of parliament, the laws relating to the government of his Majesty's ships, vessels and forces by sea*) and all and every the articles, orders, powers, authorities, clauses, matters and things therein mentioned and contained,

shall be, and shall be deemed and taken to be in full force, and shall be observed, used, exercised, performed and executed for the trial and punishment of all and every, or any such offences or offence specified or mentioned in the same act of parliament, which have been or shall be committed by any officers, seamen or other persons respectively, who do, or for the time being, shall serve on board of any of his Majesty's said ships or vessels employed in or upon such lakes, great waters, or rivers in North America, as fully and effectually, to all intents and purposes, as if the same offences or offence had been committed upon

22 Geo. 2. c. 33.  
extended to  
officers and  
seamen serving  
in his Ma-  
jesty's vessels  
employed in  
the lakes, &c.  
in North A-  
merica.

**Anno** vicissimo anno GEORGII II. C. 23. { 1756.  
upon the main sea, or in great rivers, beneath the first bridges  
of the said rivers nigh to the sea, or in any haven, river or  
greek within the jurisdiction of the admiralty of Great Britain.

### CAP. XXVIII.

*An act for reviving and continuing an act for the relief of  
debtors, with respect to the imprisonment of their persons;  
and for continuing an act made in the last session of parliament,  
to continue several laws relating to the distemper now  
raging among the horned cattle in this kingdom.*

**W**H E R E A S several laws herein after-mentioned have by ex-  
perience been found useful and beneficial, and are expired, or  
near expiring; may it therefore please your Majesty, that it may  
be enacted; and be it enacted by the King's most excellent ma-  
jesty, by and with the advice and consent of the lords spiritual  
and temporal and commons in this present parliament assembled,  
and by the authority of the same, That an act made in the  
second year of the reign of his present Majesty (intituled, *An  
act for the relief of debtors, with respect to the imprisonment of their  
persons*) which was to continue in force for the term of five  
years, and from thence to the end of the then next session of  
parliament; and was explained and amended by an act made in  
the third year of the reign of his present Majesty, and which by a  
nother act made in the eighth year of the reign of his present Ma-  
jesty, was further explained and amended, and continued until the  
twenty fifth day of March one thousand seven hundred and forty,  
and from thence to the end of the then next session of parliament;  
and which by another act made in the fourteenth year of the reign  
of his present Majesty, with the several articles and clauses  
therein contained (except the clause in the said last-mentioned  
act for settling mutual debts one against the other, which by  
the said act is made perpetual) was further continued, from the  
expiration thereof, until the first day of June one thousand seven  
hundred and forty seven, and from thence to the end of the  
then next session of parliament; and which by another act made  
in the twenty first year of the reign of his present Majesty, in-  
tituled, *An act to continue and amend several laws for the relief of  
debtors, with respect to the imprisonment of their persons; and to  
rectify a mistake in an act passed in the last session of parliament, for  
continuing several laws therein mentioned; and to continue two acts,  
the one passed in the nineteenth year, the other in the twentieth year of  
his present Majesty's reign, to prevent the spreading of the distemper  
amongst the horned cattle:* was (so far as relates to the relief of  
debtors, with respect to the imprisonment of their persons) sup-  
ther amended, and continued until the first day of June one  
thousand seven hundred and fifty four, and from thence to the  
end of the then next session of parliament; shall be, and the  
same is, hereby revived, and shall continue and be in force, un-  
til the first day of June one thousand seven hundred and fifty-  
nine.

<sup>2</sup>Geo. 2 c. 22.  
continued, ex-  
plained and  
amended by  
the several  
subsequent  
acts.

<sup>3</sup>Geo. 2 c. 7.

<sup>8</sup>Geo. 2 c. 24.

<sup>24</sup>Geo. 2 c. 34.

<sup>25</sup>Geo. 2 c. 33.

revived and  
continued to  
the first of  
June 1759.

II. And be it further enacted by the authority aforesaid, That  
and

an act made in the last session of parliament (intituled, An act to continue several laws relating to the distemper now raging among horned cattle in this kingdom) shall be, and the same is hereby further continued, from the expiration thereof, until the twenty ninth day of September one thousand seven hundred and fifty ix, and from thence to the end of the then next session of parliament.

## C A P. XXIX.

*An act for enabling his Majesty to raise one million for the purpose therein mentioned; and for further appropriating the supplies granted in this session of parliament.*

Most gracious Sovereign,

WE your Majesty's most dutiful and loyal subjects the commons of Great Britain in parliament assembled, having taken into our serious consideration your Majesty's most gracious message, signifying your Majesty's hopes to be enabled, by your faithful commons, to concert and take all such measures as may be necessary to disappoint or defeat any enterprizes or designs of your Majesty's enemies, and as the exigency of affairs may require, have resolved to give and grant to your Majesty the sum of one million for that purpose, and do therefore most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for the King's most excellent majesty, by warrant or warrants under his royal sign manual, to authorize and empower the commissioners of his Majesty's treasury, now or for the time being, or any three or more of them, or the lord high treasurer for the time being, at any time or times before the fifth day of January, one thousand seven hundred and fifty six to cause or direct any loans to be taken or received at his Majesty's exchequer, from any person or persons, natives or foreigners, body or bodies politic or corporate, or any number of exchequer bills to be made out there for any sum or sums of money, not exceeding in loans and exchequer bills together, in the whole, the said sum of one million, in the same or like manner, form and order, and according to the same or like rules and directions, as in and by an act of this present session of parliament for continuing and granting to his Majesty certain duties upon malt, must, cyder and perry for the service of the year one thousand seven hundred and fifty six, are enacted and prescribed, concerning the loans or exchequer bills to be taken or made pursuant of the said act.

II. And be it further enacted by the authority aforesaid,

That all and every the clauses, provisos, powers, privileges, impositions, penalties, forfeitures and disabilities contained in the last last mentioned act, relating to the loans or exchequer bills made in the

The sum of  
one million  
may be raised  
by virtue of  
his Majesty's  
warrant, by  
exchequer  
bills,

in the same  
manner as in  
the malt act of  
this session is  
directed, &c.

All advanta-  
ges and pen-  
alties con-  
tained in the  
bills levied act, i.e.

lating to loans bills authorized to be made by the same act (except such or exchequer bills, as do charge the same on the duties granted by the same act) shall be applied and extended to the loans and exchequer bills to be made in pursuance of this act, as fully and effectually, to all intents and purposes, as if the same loans or exchequer bills had been originally authorized by the said last-mentioned act, or as if the said several clauses or provisoies had been particularly repeated and re-enacted in the body of this act.

**III.** And be it further enacted by the authority aforesaid, That all such loans or exchequer bills, together with the interest, premium, rate and charges incident to or attending the same, shall be and are hereby charged and chargeable upon, and shall be repaid or borne by or out of the first aids or supplies which shall be granted in the next session of parliament; and in case sufficient aids or supplies for that purpose shall not be granted before the fifth day of July one thousand seven hundred and fifty seven, then all the said loans or exchequer bills, with the interest, premium, rate and charges incident to or attending the same, shall be and are hereby charged and chargeable upon such monies, at or any time or times at or after the said fifth day of July one thousand seven hundred and fifty seven shall be or remain in the receipt of the exchequer of the surpluses, excesses, overplus monies, and other revenues composing the fund commonly called *The Sinking Fund*, except such monies of the said sinking fund as are appropriated to any particular use or uses by any act or acts of parliament in that behalf; and such monies of the said sinking fund shall and may be issued and applied, as soon as the same can be regularly stated and accounted, for and towards paying off, cancelling and discharging such loans or exchequer bills, interest, premium, rate or charges, until the whole of them shall be paid off, cancelled and discharged, or money sufficient for that purpose be kept and reserved in the exchequer, to be payable on demand to the respective proprietors thereof.

**IV.** Provided always, and be it enacted by the authority aforesaid, That whatever monies shall be so issued out of the said surpluses, excesses, overplus monies or other revenues composing the sinking fund, shall from time to time be replaced by and out of the first supplies to be then after granted in parliament; any thing herein contained to the contrary notwithstanding.

**V.** Provided always, and it is hereby enacted by the authority aforesaid, That all the monies coming into the exchequer, either by loans or exchequer bills, upon one act of this session of parliament, intituled, *An act for continuing and granting to his Majesty certain duties upon malt, mun, cyder and perry, for the service of the year one thousand sever hundred and fifty six*, and so much money, if any such be, of the duties thereby granted, as shall arise or remain after all the loans or exchequer bills made or to be made on the same act, and all the interest, premium, rate and charges thereon, and the charges thereby allowable for raising.

and the monies issued therout, to be replaced out of the first supplies.

Appropriation of the supplies. The monies arising by the malt tax,

1756.]

An Act of the same date GEORGIU II, c. 29.

461

raising the said monies, that hee shall have money sufficient shall be reserved in the exchequer to satisfy and discharge the same, and also all the monies coming into the exchequer either by loans or exchequer bills, upon one other act of this session of parliament (intituled, An act for granting an aid to his Majesty, a land tax to be raised in Great Britain for the service of the year and tax, one thousand seven hundred and fifty six; and for the relief of the inhabitants of the city and county of the city of Lincoln, in respect of arrears of the land tax;) and so much money (if any such be) of the tax thereby granted, as shall arise or remain after all the loans or exchequer bills made or to be made on the same act, and all the interest, premium, rate and charges thereon, and the charges thereby allowable for raising the said land tax shall be satisfied, or money sufficient shall be reserved in the exchequer to satisfy and discharge the same; and also all the monies coming into the exchequer by contributions for annuities and a lottery granted by one other act of this session of parliament (intituled, An act for granting to his Majesty the sum of two millions Lottery act. to be raised by way of annuities and a lottery, and charged on the sinking fund, redeemable by parliament, and for extending to Ireland the laws made in this kingdom against private and unlawful lotteries) and also the sum of two hundred fifty five thousand nine hundred fifty five pounds eleven shillings and eleven pence half-penny remaining in the receipt of the exchequer of the income Sums remaining in the exchequer, &c. of the surpluses, excesses, overplus monies, and other revenues composing the fund commonly called The Sinking Fund, for the quarter ended the fifth day of April one thousand seven hundred and fifty six, directed to be issued and applied by one other act of this session of parliament (intituled, An act for granting to his Majesty certain sums of money out of the sinking fund; and applying certain monies remaining in the exchequer for the service of the year one thousand seven hundred and fifty six;) and also the sum of one million three hundred thousand pounds, by the said act directed to be issued and applied out of the growing produce of the said sinking fund; and also the sum of eighty three thousand four hundred twelve pounds two shillings and five pence half-penny remaining in the receipt of the exchequer, being money disposeable by parliament for the publick service, and by the laid act directed to be issued and applied; and the further sum of one million by this act granted, shall be further appropriated, and are hereby appropriated for and towards the several uses and purpuses heron after expressed; that is to say, it is hereby enacted and declared by the authority aforesaid, That out of all or any the aids or supplies provided as aforesaid, the aids in there shall and may be issued and applied my sum or sums of general, money not exceeding three millions nineteen thousand twenty 3,019,021l. 3 6. pounds and three shillings for or towards the naval services, Viz out of heron after particularly expressed, that is to say, for or towards navas services. victuals, wages, wear and tear of the navy, and the victualling thereof, performed and to be performed, and for or towards sea services in the office of ordnance performed and to be performed, and for or towards defraying the ordinary of his Majesty's navy,

navy; and for half-pay to sea officers; and for or towards maintaining nine thousand one hundred and thirty eight marines; and for or towards the buildings, re-buildings and repairs of His Majesty's ships for the said year.

~~300,000 l.~~ VI. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding three hundred thousand pounds, towards paying off and discharging the debt of the navy.

~~20,000 l.~~ VII. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding twenty thousand pounds, for or towards carrying on the works of the hospital for sick and wounded seamen, building at *Hilfer* near *Goport*, for the year one thousand seven hundred and fifty six.

~~10,000 l. to Greenwich hospital.~~ VIII. And it is hereby enacted by the authority aforesaid, That out of all or any of the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding ten thousand pounds upon account, towards the support of the royal hospital at *Greenwich*, for the better maintenance of the leamen of the said hospital worn out and become decrepit in the service of their country.

~~299,157 l. 8 d. to the ordnance.~~ IX. And it is hereby also enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding two hundred ninety nine thousand one hundred fifty seven pounds and eight pence, for the charge of the office of ordnance for land service for the year one thousand seven hundred and fifty six, performed and to be performed, and for defraying the extraordinary expence of the office of ordnance for land service, not provided for by parliament.

~~2,174,540 l. 5s. 2 d. 2 q. to the land forces; of which~~ X. And it is hereby also enacted, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding two million one hundred seventy four thousand five hundred and forty pounds five shillings and two pence halfpenny, for and towards maintaining his Majesty's land forces and other services herein after more particularly expressed; that is to say, any sum or sums of money not exceeding nine hundred thirty thousand nine hundred and three pounds six shillings and nine pence, for and garrisons, defraying the charge of thirty thousand five hundred and four &c. in Great Britain, *Guernsey* and *Jersey*, effective men, including commission and non-commission officers; and also three thousand seven hundred and fifty nine invalids, for guards, garrisons and other his Majesty's land forces in *Great Britain*, *Guernsey* and *Jersey*, for the year one thousand nine hundred and fifty six; and any sum or sums of money not exceeding two hundred ninety eight thousand five hundred thirty four pounds seventeen shillings and ten pence halfpenny,

~~298,534 l. 17s. 10d. 2 q. for guards and garrisons, &c. in the plantations, Minorca and Gibraltar, and for provisions for the garrisons~~

sons in Nova Scotia, Newfoundland, Gibraltar and Providence, for  
the year one thousand seven hundred and fifty six; and any sum  
or sums of money, not exceeding eighty one thousand one hun-  
dred seventy eight pounds and sixteen shillings, for defraying the  
charge of the royal American regiment of foot to be raised for his  
Majesty's service in North America, for the service of the year one  
thousand seven hundred and fifty six; and any sum or sums of money,  
not exceeding fifty three thousand nine hundred fifty five pounds  
nineteen shillings and six pence, upon account for out-pension-  
ers of Chelsea Hospital, for the year one thousand seven hundred  
and fifty six; and any sum or sums of money not exceeding  
thirty eight thousand pounds, upon account of half-pay for the  
reduced officers of his Majesty's land forces and marines, for  
the year one thousand seven hundred and fifty six, subject to  
such rules to be observed in the application of the said half-pay,  
as are hereafter prescribed concerning the same; and any sum or  
sums of money, not exceeding three thousand five hundred thirty  
nine pounds five shillings and ten pence, for defraying the charge  
for allowances to the several officers and private gentlemen of  
the two troops of horse guards, and regiment of horse reduced,  
and to the superannuated gentlemen of the four troops of horse  
guards, for the year one thousand seven hundred and fifty six;  
and any sum or sums of money, not exceeding two thousand  
four hundred and eighty four pounds, for paying of pensions to  
the widows of such reduced officers of his Majesty's land forces  
and marines, as died upon the establishment of half-pay in Great  
Britain, and who were married to them before the twenty fifth  
day of December one thousand seven hundred and fifteen, for the  
year one thousand seven hundred and fifty six; which said sum  
of two thousand four hundred and eighty four pounds, shall be issued to such person or persons as his Majesty shall by warrant  
or warrants under his royal sign manual direct and appoint to  
receive the same, to be by him or them paid over to such wi-  
dows of half-pay officers or their assigns, according to such es-  
tablishments, lists or other directions, and with and subject to  
such conditions, qualifications and other allowances for the same,  
as his Majesty by such and the like warrant or warrants shall be  
graciously pleased to direct and appoint; and any sum or sums  
of money not exceeding seventy five thousand eight hundred  
and thirty five pounds seven shillings and three pence, for de-  
fraying the extraordinary expences of his Majesty's land forces,  
and other services, incurred in the year one thousand seven hun-  
dred and fifty five, and not provided for by parliament; and any  
sum or sums of money not exceeding ninety one thousand nine  
hundred and nineteen pounds ten shillings, for defraying the  
charge of ten regiments of foot, for the service of the year one  
thousand seven hundred and fifty six; and any sum or sums of  
money, not exceeding forty nine thousand six hundred twenty  
eight pounds eleven shillings and three pence, for defraying the  
charge of eleven troops of light dragoons, for the service of the  
year one thousand seven hundred and fifty six; and any sum or  
sums

~~29,915 l. 6s. for troops in North America and the East Indies.~~

~~100,000 l. 10s. the empress of Russia.~~

~~54,140 l. 12s. 6d. to the Landgrave of Hesse Cassel; and 163,357 l. 9s. 9d. for troops hired from him.~~

~~223,447 l. 2 s. 6d for troops from Hanover.~~

~~10,000 l. to the elector of Bavaria.~~

~~20,000 l. to the King of Prussia.~~

~~1,600,000 l. to be applied as the exigency of affairs may require.~~

~~25,012 l. 19 s. towards the settling Nova-Scotia.~~

~~687 l. 2 s. 7d. for charges incurred in Nova Scotia in 1754, not pro- vided for.~~

sums of money not exceeding twenty nine thousand nine hundred and fifteen pounds six shillings for defraying the charge of two regiments of foot ordered from Ireland to North America, and of four regiments of foot on the Irish establishment serving in North America and the East Indies, for the service of the year one thousand seven hundred and fifty six; and any sum or sums of money not exceeding one hundred thousand pounds, to enable his Majesty to make good his engagements with the empress of Russia, pursuant to treaty; and any sum or sums of money

not exceeding fifty four thousand one hundred forty pounds twelve shillings and six pence, to enable his Majesty to make good his engagements with the landgrave of Hesse Cassel, pursuant to treaty; and any sum or sums of money not exceeding one hundred sixty three thousand and three hundred fifty seven pounds nine shillings and nine pence, towards defraying the charge of six thousand five hundred and forty four foot, with the general officers and train of artillery, the troops of the landgrave of Hesse Cassel in the pay of Great Britain, from the twenty third of February one thousand seven hundred and fifty six, to the twenty fourth day of December following, both inclusive, together with the subsidy pursuant to treaty; and any sum or sums of money not exceeding one hundred twenty one thousand four hundred forty seven pounds two shillings and six pence, towards defraying the charge of eight thousand six hundred and five foot, with the general officers, train of artillery and hospital, the troops of Hanover in the pay of Great Britain, from the eleventh day of May one thousand seven hundred and fifty six, to the twenty fourth day of December following, both inclusive; and any sum or sums of money not exceeding ten thousand pounds, to enable his Majesty to make good his engagements with the elector of Bavaria, pursuant to treaty; and any sum or sums of money

not exceeding twenty thousand pounds, to enable his Majesty to make good his engagements with the King of Prussia, pursuant to treaty.

XI. And it is hereby also enacted, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding one million, upon account, to enable his Majesty to concert and take all such measures as may be necessary to disappoint or defeat any enterprizes or designs of his enemies, and as the exigency of affairs may require.

XII. And it is hereby also enacted, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding fifty five thousand and thirty two pounds nineteen shillings, upon account, for supporting and maintaining the settlement of his Majesty's colony of Nova Scotia, for the year one thousand seven hundred and fifty six; and any sum or sums of money, not exceeding six hundred eighty seven pounds two shillings and seven pence, upon account, for defraying the charges incurred by supporting and maintaining the settlement of his Majesty's colony

colony of Nova Scotia, in the year one thousand seven hundred and fifty four, and not provided for by parliament; and any sum or sums of money, not exceeding three thousand five hundred and fifty seven pounds ten shillings, upon account, for defraying the charges of the civil establishment of his Majesty's colony of Georgia, and other incidental expences attending the same, from the twenty fourth day of June one thousand seven hundred and fifty five, to the twenty fourth day of June one thousand seven hundred and fifty six; and any sum or sums of money, not exceeding ten thousand pounds, to be employed in maintaining and supporting the British forts and settlements up-<sup>10,000l. for</sup>  
<sup>supporting the forts and settle-</sup>  
<sup>ments on the coasts of Africa.</sup>

XIII. And be it further enacted by the authority aforesaid, <sup>100,000l. for</sup>  
That out of all or any of the aids or supplies provided as afore-  
said, there shall and may be issued and applied any sum or sums <sup>pences of al-</sup>  
of money, not exceeding one hundred thousand pounds, upon <sup>listing the</sup>  
account, for or towards enabling his Majesty to defray the ex-<sup>people of Por-</sup>  
pences which have been, or may be incurred by his Majesty in giving assistance to the distressed people of Portugal, and our un-<sup>13,869l. 7s.</sup>  
happy fellow subjects residing and trading there; and any sum <sup>10d to J. Ti-</sup>  
or sums of money, not exceeding thirteen thousand eight hun-<sup>pay the Spa-</sup>  
dred sixty nine pounds seven shillings and ten pence, to enable <sup>erney to re-</sup>  
his Majesty to pay the said sum to *James Tierney* of London mer-<sup>chant, their</sup>  
chant, agent for and on behalf of don *Libino Bernardo Vander-*<sup>broek, and other merchants, subjects of his</sup>  
*Anna Maria y Saint Felix*; provided that all claims on the <sup>demands on</sup>  
catholick Majesty, owners of the money and effects taken in the <sup>account of the</sup>  
Spanish ship *Anna Maria y Saint Felix*; provided that all claims ship *Anna*  
of the Spanish merchants be by them or their agent or agents, *Maria y St.*  
assigned over to proper persons, to the end that the same be re-<sup>Felix.</sup>  
covered and applied to the use of the publick; and any sum or sums <sup>115,000l. as a</sup>  
of money, not exceeding the sum of one hundred and fifteen thou-<sup>free gift to the</sup>  
sand pounds, upon account, to be distributed in such proportions <sup>colonies of</sup>  
as his Majesty in his wisdom shall think fit, to his Majesty's colo-<sup>New England,</sup>  
nies of New England, New York and Jersey, in America, as a free <sup>New York and</sup>  
gitt and reward for their past services, and an encouragement to <sup>Jersey, &c.</sup>  
them to continue to exert themselves with vigour in defence of <sup>100l. to Sir</sup>  
his Majesty's just rights and possessions; and any sum or sums of <sup>William Johnson</sup>  
money, not exceeding five thousand pounds, to be given to <sup>sir i. 1. e.</sup>  
Sir William Johnson as a reward for his services; and any sum or <sup>ward for his</sup>  
sums of money, not exceeding seventy one thousand one hun-<sup>11,151l. 2s.</sup>  
dred and eighty one pounds two shillings and threepence three <sup>11,151l. 2s.</sup>  
farlings, to make good the deficiency of the half subsidies of <sup>11,151l. to</sup>  
tonnage and poundage, charged with the payment of several an-<sup>make good</sup>  
nuities by the acts of the sixth of Queen Anne, and sixth of King <sup>the deficiency</sup>  
George the First, to satisfy all annuities charged therupon, to <sup>of half subsidy</sup>  
the fifth day of January one thousand seven hundred and fifty pounds <sup>of tonnage and</sup>  
six; and any sum or sums of money, not exceeding six thousand <sup>6,032l. 1s. id.</sup>  
and thirty two pounds seven shillings and one penny, to be paid to John Ro-<sup>hugs</sup>  
to John Roberts, late governor of Cape Coast Castle in Africa, for <sup>to defend</sup>  
his extraordinary charges in supporting and defending the British <sup>Cape Coast</sup>  
forts and settlements there against the hostilities of the Dutch, <sup>Cattle, &c.</sup>  
and

~~20,000l. to  
commissioners  
for Westmin-  
ster bridge, for  
laying open  
the streets~~

~~3,000l. for  
the monument  
erected to  
Capt. Corn-  
wall.~~

~~3,038l. 6s. 10d.  
29. deficiency  
of the grants  
for the year  
1755.~~

~~10,000l. to the  
Foundling  
hospital.~~

These aids to  
be applied to  
no other uses.

Rules to be  
observed in  
the applica-  
tion of the  
half-pay.

and encroachments of the French, in the year one thousand seven hundred and fifty ; and any sum or sums of money, not exceeding ten thousand pounds, towards enabling the commissioners for building a bridge across the river of *Thames* from the city of *Westminster* to the opposite shore in the county of *Surrey*, to purchase houses and grounds for the widening the ways, and making more safe and commodious the streets, avenues and passages, leading from *Charing Cross* to the two houses of parliament, the courts of justice, and *Westminster Bridge*; and any sum or sums of money, not exceeding three thousand pounds, to enable his Majesty to defray the expence of erecting a monument in the collegiate church of *Saint Peter, Westminster*, to the memory of captain *James Cornwall*, pursuant to an address to his Majesty on the twenty eighth day of *May* one thousand seven hundred and forty seven ; and any sum or sums of money, not exceeding three thousand thirty eight pounds six shillings and ten pence halfpenny, to make good the deficiency of the grants for the service of the year one thousand seven hundred and fifty five ; and any sum or sums of money, not exceeding ten thousand pounds, towards enabling the governors and guardians of the hospital for exposed and deserted young children, to receive into the said hospital all children under a certain age to be appointed by the said governors and guardians, who shall be brought to the said hospital after the first day of *June*, and before the thirty-first day of *December* one thousand seven hundred and fifty-six.

XIV. And it is hereby further enacted by the authority aforesaid, That the said aids and supplies provided as aforesaid, shall not be issued or applied to any use, intent or purpose whatsoever, other than the uses and purposes before-mentioned, or for the several deficiencies or other payments directed to be satisfied thereout, by any act or acts, or any particular clause or clauses for that purpose contained in any other act or acts of this present session of parliament.

XV. And as to the said sum of thirty-eight thousand pounds, by this act appropriated on account of half-pay as aforesaid ; it is hereby enacted and declared by the authority aforesaid, That the rules herein after prescribed, shall be duly observed in the application of the said halfpay ; that is to say, That no person shall have or receive any part of the same, who was a minor, and under the age of sixteen years at the time when the regiment, troop or company, in which he served, was reduced ; that no person shall have or receive any part of the same, except such persons who did actual service in some regiment, troop or company ; that no person having any other place or employment of profit, civil or military, under his Majesty, shall have or receive any part of the said half-pay ; that no chaplain of any garrison or regiment, who has any ecclesiastical benefice in *Great Britain* or *Ireland*, shall have or receive any part of the said half-pay ; that no person shall have or receive any part of the same who has resigned his commission, and has had no commission since ;

since; that no part of the same shall be allowed to any person by virtue of any warrant or appointment, except to such persons as would have been otherwise intituled to the same as reduced officers; and that no part of the same shall be allowed to any of the officers of the five regiments of dragoons, and eight regiments of foot lately disbanded in Ireland, except to such as were lately taken off the establishment of half-pay in Great Britain.

XVI. And whereas by an act of parliament made and passed in the twenty eighth year of his Majesty's reign, intituled, An act for granting to his Majesty a certain sum of money therein mentioned out of the sinking fund, and applying certain monies remaining in the exchequer, for the service of the year one thousand seven hundred and fifty five; and for carrying the surplus of certain duties to the sinking fund; and for further appropriating the supplies granted in this session of parliament; the several supplies which had been granted to his Majesty, as is therein mentioned, were appropriated to the several uses and purposes therein expressed; amongst which, any sum or sum of money not exceeding forty seven thousand pounds was appropriated to be paid to the reduced officers of his Majesty's land forces and marines, subject nevertheless to such rules to be observed in the application of the said half-pay, as in and by the aforesaid act were prescribed in that behalf: now it is hereby provided, enacted and declared by the authority aforesaid, That so much of the said sum of forty seven thousand pounds, as is or shall be more than sufficient to satisfy the said oberved in the reduced officers, according to the rules prescribed by the said act to be observed in the application thereof, or any part of such overplus, shall and may be disposed of to such officers who are maimed or lost their limbs in the late wars, or such others as by reason of their long service or otherwise, his Majesty shall judge to be proper objects of charity, or to the widows or children of such officers, according to such warrant or warrants, under his Majesty's royal sign manual, as shall be signed in that behalf; any thing in this act or the said former act to the contrary notwithstanding.

### C A P. XXX.

An act for more effectually discouraging and preventing the stealing, and the buying, and receiving of stolen lead, iron, copper, brass, bell metal and solder, and for more effectually bringing the offender to justice.

WHEREAS the pernicious practice of stealing lead, iron, copper, brass, bell-metal and solder, fixed to, or lying, or being in or upon houses, outhouses, mills, warehouses, workshops, and other buildings, areas, vaults, yards, gardens, orchards, or other places; and also the stealing of such materials from ships, barges, lighters, boats, and other vessels and craft, upon navigable rivers, in ports of entry or discharge, creeks and docks belonging thereto, and also from off wharffs, keys, and other places, is become a great and notorious evil, by reason of the difficulty in apprehending and convicting the

thieves, and the still greater difficulty of discovering and convicting the buyers or receivers thereof; which buyers or receivers are the principal cause of the commission of such thefts; and in regard that the said offences are committed in such close and clandestine manner, that there can be no witness or witnesses to the same, but such who is or are partakers of the offence: and whereas if the buyers and receivers of lead, iron, copper, brass, bell-metal or solder, knowing or having reasonable cause to suspect, the same to be stolen, or unlawfully come by, were made original offenders, and punishable independent of the apprehension and conviction of the thief; and if the apprehending, prosecuting, and convicting the offenders in both kinds were rendered more easy and speedy, it might more effectually tend to the discovery and suppression of the said offences: for remedy whereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That from and after the first day of October one thousand seven hundred and fifty six, every person who shall buy or receive any lead, iron, copper, brass, bell-metal or solder, knowing the same to be stolen, or unlawfully come by; or shall privately buy or receive any stolen lead, iron, copper, brass, bell-metal or solder, by suffering any door, window or shutter to be left open or unfastened between sun-setting and sun-rising for that purpose; or shall buy or receive the same, or any of them, at any time in any clandestine manner from any person or persons whatsoever; shall, being thereof convicted by due course of law, although the principal felon or felons, has not or have not been convicted of stealing the same, be transported for fourteen years to any of his Majesty's colonies or plantations in America, according to the laws in force for the transportation of felons.

**Buyers or receivers of any of the materials herein mentioned, knowing the same to be stolen, or unlawfully come by, &c.**  
if convicted, to be transported for 14 years.

Where there is cause of suspicion, justice to issue a search warrant,

and the materials, and the party with whom the same are found, to be carried before two justices, &c.

Party not accounting satisfactorily, deemed guilty of a misdemeanor.

II. And be it enacted by the authority aforesaid, That it shall and may be lawful for any one justice of the peace, upon complaint made to him upon oath by any credible person, that there is cause to suspect stolen lead, iron, copper, brass, bell-metal or solder, is concealed in any dwelling-house, out-house, yard, garden, or other place or places, by warrant under his hand and seal, to cause every such dwelling-house, out-house, yard, garden and place, to be searched in the day-time; and if any lead, iron, copper, brass, bell-metal or solder, suspected to be stolen, shall be found therein, to cause the same, and the person or persons in whose house, outhouse, yard, garden, or other place the same shall be found, to be brought before any two or more justices of the peace for the same county, city, riding, division, liberty or place; and if the said person or persons shall not give an account to the satisfaction of such justices, how he, she or they came by the same; or shall not, within some convenient time, to be set by the said justices, produce the party or parties of or from whom he, she or they bought or received such stolen lead, iron, copper, brass, bell-metal or solder, that then the said person

person or persons, so offending, shall be deemed and adjudged guilty of a misdemeanor.

III. And be it further enacted by the authority aforesaid, Suspected persons, with any of the said officers, and in the night time, That every constable, headborough or tithingman, in every county, city, town corporate, or other place where they shall be officers, and every beadle within his ward, parish or district, shall and may apprehend, or cause to be apprehended, all and every person or persons who may reasonably be suspected of having or carrying, or any ways conveying, at any time after sun-setting, and before sun-rising, any lead, iron, copper, brass, bell-metal or solder, suspected to be stolen or unlawfully come by; and the same, together with such person or persons, as soon and carried as conveniently may be, to convey or carry before any two or more justices of the peace for the county, city, riding, division, liberty or place aforesaid; and if the person or persons so apprehended conveying any such lead, iron, copper, brass, bell-metal or solder, shall not produce the party or parties from whom he, she or they bought or received the same, or some other credible witness to depose upon oath the sale or delivery of the said lead, iron, copper, brass, bell-metal or solder (which and not ac- oath any such justices are hereby empowered to administer) or counting shall not give an account, to the satisfaction of any two or more of such justices, how he, she or they came by the same, that then the said person or persons so apprehended, shall be deemed and adjudged guilty of a misdemeanor.

IV. And be it enacted by the authority aforesaid, That where In which cases, the mate- any person or persons shall be convicted of either of the misde- mors aforesaid, it shall and may be lawful for any two or more of such justices to cause such lead, iron, copper, brass, bell- metal or solder, to be deposited in the hands of the churchwardens, &c. overseers of the poor of the place where such lead, iron, copper, brass, bell-metal or solder were found, or in any other convenient place, for any time not exceeding thirty days; and in the mean time to order the said churchwardens and overseers and publick notice by ad- vertisement, and otherwise, of the poor, or one of them, in all and every of the parishes within the bills of mortality, to insert an advertisement in some publick paper, and in every other parish or place to cause no- tice to be given by some publick cryer, and by fixing on the church or chapel door notice describing such lead, iron, copper, brass, bell-metal or solder, and where the same shall be so deposited, to the end that persons having lost such lead, iron, copper, brass, bell-metal or solder, may come and claim the same, or any reputable person on their behalf; and in case any person or persons can prove their property to the laid lead, iron, copper, brass, bell-metal or solder, upon oath, to the satisfac- tion of any two or more of such justices of the peace for such county, city, riding, division, liberty or place, that then such justices shall order restitution of such lead, iron, copper, brass, bell-metal or solder, to the owner or owners thereof, after pay- ing the reasonable charges of removing, depositing and giving and the own- er, proving his, property is to have them, publick

publick notice of the same; and if at the end of the said thirty days no person or persons shall come and prove his, her or their otherwise they property, nor any reputable person on his or their behalf, to are to be sold, such lead, iron, copper, brass, bell-metal or solder, the same to and the money divided between the be sold for the best price that can reasonably be had; and after officer and deducting the charges as aforesaid, one moiety of the money poor. arising from such sale to be given to the persons or persons who shall apprehend the party or parties guilty of the misdemeanor afore-mentioned, or either of them; and the other moiety thereof to the poor of the parish where such offence shall be committed (if it is known where) or else where such convictions shall be made.

Person to whom any such materials shall be brought, to be sold or pawned, may in any suspected case stop and carry the party before a justice, &c.

otherwise, upon proof of such reasonable cause of suspicion, he is guilty of a misdemeanor.

Persons convicted of a misdemeanor in having in their possession any of the said materials, &c. and not accounting satisfi-

V. And be it further enacted by the authority aforesaid, That every person to whom any lead, iron, copper, brass, bell-metal or solder shall be brought and offered to be sold, pawned or delivered, shall and is hereby impowered and required (there being reasonable cause to suspect that such lead, iron, copper, brass, bell-metal or solder, was stolen or unlawfully come by) to apprehend, secure, and carry before a justice of the peace for the county, city, riding, division, liberty or place where the same shall be so brought or offered (having it in his or her power so to do) the person or persons so bringing or offering the same, together with such lead, iron, copper, brass, bell-metal or solder; and such person or persons so apprehended shall be dealt with, and such lead, iron, copper, brass, bell-metal or solder, shall be deposited and disposed of, in the same manner, as if he, she or they had been apprehended by the constable, headborough, tythingman, beadle or watchman, as aforesaid; and if it shall appear upon the oath of any person, notwithstanding such person or persons was or were concerned in the stealing the same, if corroborated with other credible circumstances, to the satisfaction of two or more justices of the peace for the county, city, riding, division, liberty or place, where the same shall be so brought or offered as aforesaid, that there was reasonable cause to suspect such lead, iron, copper, brass, bell-metal or solder was stolen or unlawfully come by, and that the person or persons to whom such lead, iron, copper, brass, bell-metal or solder, was so brought or offered, did not (having it in his, her or their power so to do) apprehend, secure, and carry before a justice of the peace as aforesaid, the person or persons who so brought or offered the same, that then the person or persons to whom such lead, iron, copper, brass, bell-metal or solder was so brought or offered, shall be deemed and adjudged guilty of a misdemeanor.

VI. And be it further enacted, That every person deemed and adjudged guilty of a misdemeanor, in having in his, her or their possession, any lead, iron, copper, brass, bell-metal or solder, suspected to be stolen or unlawfully come by, and not producing the party or parties of whom he, she or they bought or received the same, nor giving a satisfactory account, how he, she or they came by the same, or in having, carrying or conveying the lead, iron,

iron, copper, brass, bell-metal and solder, suspected to be stolen factorily for or unlawfully come by, and not producing the party or parties, the same, from whom he, she or they bought or received the same, nor any credible witness to depose upon oath the sale or delivery thereof, nor giving a satisfactory account how he, she or they came by the same (as the case shall be) shall, for every such misdemeanor, forfeit for the first offence, the sum of forty shillings, and for the second offence, the sum of four pounds, and for every subsequent offence, the sum of six pounds; and that every person deemed and adjudged guilty of the misdemeanor of neglecting to apprehend, secure and carry before a justice of the peace, the person or persons (having it in his, her or their power so to do) who brought or offered to sell, pawn or deliver, any lead, iron, copper, brass, bell-metal or solder (as the case shall be) suspected to be stolen or unlawfully come by, shall for every such misdemeanor, forfeit for the first offence, the sum of twenty shillings, and for the second offence, the sum of forty shillings, and for every subsequent offence, the sum of four pounds; all which said respective forfeitures, shall and may be levied by distress and sale of the goods and chattels of every such offender (rendering to him or her the overplus, after charges of the said distress and sale deducted) by warrant under the hands and seals of any two or more of such justices, before whom such offender was deemed and adjudged guilty; which forfeiture shall be paid, one moiety thereof to the informer, and the other moiety thereof to the overseers of the poor, for the use of the poor of the parish or place where such offence was committed (if it is known where) or else where such conviction shall be made; and if no sufficient distress shall be found, whereon to levy the said respective forfeitures, then the said justices shall and may commit every such offender, so respectively deemed and adjudged guilty as aforesaid, to the common gaol or other prison, or house of correction, within their jurisdiction, without bail or mainprize, for the space of one month for the first offence, and for the second offence for the space of two months, and for every subsequent offence, until such offender shall be discharged by order of the court of general or quarter sessions.

**VII.** And be it further enacted, That every conviction of any offender in any of the aforesaid misdemeanors, shall be certified by two or more of the justices of the peace, making the same, to the next general or quarter sessions of the peace, to be filed and entered amongst the records of the said sessions; and that such conviction shall and may be drawn up on parchment, and certified in the following form of words (as the case shall happen) or in any other form of words to the like effect, *mutatis mutandis*; that is to say,

Middlesex, } BE it remembered, That on the Day  
to wit, } of in the year A. B. was  
consigned before us of the justices of the peace  
for

for the county, riding, division, liberty or place aforesaid, (as the case shall be) of a misdemeanor in having in his, her or their possession, lead, iron, copper, brass, bell-metal or solder, suspected to be stolen or unlawfully come by, and not producing the party or parties, of whom he, she or they bought or received the same, nor giving a satisfactory account how he, she or they came by the same, or in having, carrying or conveying of lead, iron, copper, brass, bell-metal or solder, suspected to be stolen or unlawfully come by, and not producing the party or parties from whom he, she or they bought or received the same, nor any credible witness to depose upon oath the sale or delivery thereof, or not giving a satisfactory account how he, she or they came by the same, or of neglecting to apprehend and secure the person or persons, who brought and offered to pawn, sell or deliver, lead, iron, copper, brass, bell-metal or solder, suspected to be stolen, or unlawfully come by (as the case shall be)

*Given under our hands and seals the day  
and year aforesaid.*

Said convicted. Which said conviction, in the same or the like form of words, on not to be quashed, or removed by Certiorari. shall be good and effectual in law to all intents and purposes, and shall not be quashed, set aside, or adjudged void or insufficient for want of any other form of words whatsoever, nor be liable to be removed by Certiorari into his Majesty's court of King's Bench, but shall be deemed and taken to be final to all intents and purposes whatsoever.

Felon convicting the buyers or receivers of such stolen materials, is intitled to his Majesty's pardon, VIII. And be it further enacted by the authority aforesaid, That if any person being out of prison, shall after the said first day of October one thousand seven hundred and fifty six, commit any felony, by stealing any lead, iron, copper, brass, bell-metal or solder, and afterwards discover two or more persons, who shall buy or receive any stolen lead, iron, copper, brass, bell-metal or solder, after the said first day of October one thousand seven hundred and fifty six, knowing the same to be stolen, so as two or more of the persons discovered, shall be convicted of such buying or receiving, he, she or they so discovering, shall have, and be intitled to, the gracious pardon of his Majesty, his heirs and successors, for all such felonies by him or her committed, at any time or times before such discovery made, which pardon shall be likewise a bar to any appeal brought for such felony.

and convicting any of a misdemeanor, in not apprehending, &c. offender offering to sell or pawn the same, is discharged from prosecution for such felony, IX. And be it further enacted by the authority aforesaid, That if any person shall be concerned in the stealing any lead, iron, copper, brass, bell-metal or solder, and shall afterwards, being out of prison, discover any person to whom he, she or they shall have, after the said first day of October, offered to sell, pawn or deliver, any stolen lead, iron, copper, brass, bell-metal or solder, so as such person be convicted of the misdemeanor of not apprehending, securing and carrying, him, her or them, before a justice, as aforesaid, that then the person making such discovery,

discovery, shall not be liable to be prosecuted for stealing the lead, iron, copper, brass, bell-metal or solder, so offered as aforesaid.

X. And be it further enacted by the authority aforesaid, That Limitation of if any action or suit shall be commenced or brought against any actions. justice or justices of the peace, or other officer or person whatsoever, for doing or causing to be done, any thing in pursuance of this act, concerning the said offences, the same shall be commenced or brought within six months after such cause of action has accrued; and the defendant in such case may plead the general issue, and give the special matter in evidence; and if upon such action a verdict shall be given for the defendant, or the plaintiff become nonsuited, or discontinue his action, the defendant shall have treble costs.

General issue.

Treble costs.

XI. Provided always, That nothing herein contained shall extend, or be construed to extend, to repeal any former law now in being, for the punishment of such offenders; and provided also, that such offender, after having been punished by this act, shall not for the same offence, be afterwards punished, or be liable to be punished, by any such former law.

Former laws  
not vacated,  
nor offenders  
liable to  
double pun-  
ishment.

### C A P. XXXI.

*An act to enable infants, lunatics, and feme covert, to surrender leases in order to renew the same.*

WHEREAS divers lands, tenements and hereditaments, have been, and may be, granted by lease for the life of one or more persons or persons, or for terms of years absolute, or determinable upon the death of one or more person or persons, or otherwise: and whereas in order to obtain a renewal of such leases, it is in many cases necessary to surrender up the estates thereby granted; which surrenders cannot be effectually made by persons under the age of twenty one years, nor lunatics, nor by feme covert without levying a fine, to the manifest detriment of them, and their families; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That in all cases where any person under the age of twenty one years, or any lunatic, or feme covert, is or shall become interested in or intitled to, any lease or leases made or granted, or to be made or granted, by any person or persons, bodies politick, corporate or collegiate, aggregate or sole, for the life or lives of one or more person or persons, or for any term of years, either absolute, or determinable upon the death of one or more person or persons, or otherwise, it shall and may be lawful for such person under the age of twenty one years, or for his or her guardian or guardians, or other person or persons, on his or her behalf, and for such lunatic, or his or her guardian or guardians, committee or committees of the estate, or other person or persons on his or her behalf, and for such feme covert, or any other person or persons on her behalf, to apply to the court of chancery, &c. in a summary way;

Guardians,  
&c. of minors,  
lunatics, and  
feme covert,  
in order to the  
surrender and  
removal of  
leases,

may apply to  
the court of  
chancery, &c.  
in a summary  
way;

and by order  
of court,

may surrender  
by deed such  
leases, and re-  
new the same,  
as the court  
shall direct.

Fine and char-  
ges attending  
the renewal, to  
be charged on  
the estate, or  
the leasehold  
premises, as  
the court shall  
direct.

Fine for feme  
covert to be  
charged on the  
leasehold pre-  
mises.

New leases to  
be to the same  
uses, as the  
former.

Surrender and  
renewal of  
such leases  
deemed valid.

to the high court of Chancery of Great Britain, the court of Exchequer, the courts of equity of the counties palatine of Chester, Lancaster and Durham, or the courts of great session of the principality of Wales respectively, by petition or motion, in a summary way, and by the order and direction of the said courts respectively made, upon hearing all parties concerned, such person under the age of twenty one years, and such lunatick, or person or persons appointed by the said courts respectively, and also such feme covert, by deed or deeds only, without levying any fine, shall and may be enabled, from time to time, to surrender such lease or leases, and accept and take, in the name, and for the benefit of such person under the age of twenty one years, or lunatick, or feme covert, one or more new lease or leases of the premises, comprised in such lease or leases surrendered by virtue of this act, for and during such number of lives, or for such term or terms of years, determinable upon such number of lives, or for such term or terms of years absolute, as was or were mentioned or contained in such lease or leases, so surrendered, at the making thereof respectively, or otherwise at the said courts shall respectively direct.

II. And be it further enacted by the authority aforesaid, That all and every sum and sums of money, and other consideration, paid or advanced by any such guardian, trustee, committee, or other person, as and for a fine or income, or in the nature of a fine or income, for or on account of the renewal of any such lease or leases, and all reasonable charges incident thereto, shall be paid out of the estate or effects of the infant or lunatick for whose benefit the said lease or leases shall be renewed, or shall be a charge and incumbrance upon the leasehold premises, together with interest for the same, as the said courts respectively shall direct and determine, and as for and concerning leases to be made upon surrenders by feme covert, unless the fine or consideration of such lease, and the reasonable charges, shall be otherwise paid or secured, the same, together with interest, shall be a charge or incumbrance upon such leasehold premises, for the use and benefit of such person or persons who shall advance the same.

III. And be it further enacted by the authority aforesaid, That the respective leases to be so renewed shall operate, and be to the same uses, and be liable to the same trusts, charges, incumbrances, dispositions, devises and conditions, as the leases to be, from time to time, surrendered as aforesaid, were or would have been subject to, in case such surrender had not been made; any thing in this or any former law to the contrary notwithstanding.

IV. And be it further enacted and declared, That every such surrender, and such lease or leases granted thereupon, shall be, and be deemed as valid and legal, to all intents and purposes, as if such surrender had been made by and on the behalf of a person of full age, sane mind, or not married ; any thing in this or any former law to the contrary notwithstanding.

## C A P. XXXII.

An act to indemnify persons who have omitted to qualify themselves according to the directions of several acts of parliament within the times limited by such acts respectively, and for allowing further time for that purpose; and concerning the admissions of officers and members of cities, corporations and borough towns; and the filing of affidavits of articles of clerkship.

WHEREAS divers persons who on account of their offices, places, employments or professions, or any other cause or occasion, ought to have taken and subscribed the oaths or the assurance respectively appointed to be by such persons, in and by an act made in the first year of the reign of his late majesty King George of glorious memory (intituled, An act for the further security of his Majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being protestants; and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors;) or to have qualified themselves according to an act made in the thirteenth year of the reign of King Charles the Second (intituled, An act for the well governing and regulating corporations;) or to have qualified themselves according to another act made in the twenty fifth year of the reign of King Charles the Second (intituled, An act for preventing the dangers which may happen from papish recusants;) by receiving the sacrament of the Lord's supper, according to the usage of the church of England; and making and subscribing the declaration against transubstantiation therein mentioned; or according to another act made in the thirtieth year of the reign of King Charles the Second (intituled, An act for the more effectual preserving the King's person and government, by disabling papists from sitting in either house of parliament;) have through ignorance of the law, absence, or some unavoidable accident, omitted to take and subscribe the said oaths and assurance, or otherwise to qualify themselves as aforesaid, within such time, and in such manner, as in and by the said acts respectively, or by any other act of parliament in that behalf made and provided, is required, whereby they may be in danger of incurring divers penalties and disabilities: for quieting the minds of his Majesty's subjects, and for preventing any inconveniences that might otherwise happen by means of such omissions, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all and every person and persons who shall, on or before the further time twenty eighth day of November one thousand seven hundred and fifty six, take and subscribe the said oaths and assurance respectively, in such cases wherein by law the said oaths or assurance ought to have been taken or subscribed, in such manner and to qualify form, and such place and places, as are appointed in and by the said act made in the first year of the reign of his said late majesty,

1 Geo. 1. c. 13.

13 Car. 2. c. 1.

25 Car. 2. c. 2.

30 Car. 2. ft. 2.

to 28 Nov.

1756, allowed

to persons who

have omitted

themselves,

as the laws

direct.

by King George, or by any other acts of parliament in that behalf made and provided; and also receive the sacrament of the Lord's supper, according to the usage of the church of England; and make and subscribe the said declaration against transubstantiation, in such cases wherein the said sacrament ought to have been received, and the said declaration ought to have been made and subscribed, shall be, and are hereby indemnified, freed and discharged, from and against all penalties, forfeitures, incapacities and disabilities, incurred or to be incurred, for or by reason of any former neglect or omission of taking or subscribing the said oaths or assurance, or receiving the sacrament, or making or subscribing the said declaration respectively, according to the above mentioned acts, or any of them,

Persons qualifying themselves within the time recapacitated and indemnified.

or any other act or acts, is and are, and shall be, fully and actually recapacitated and restored to the same state and condition as such person or persons were before such neglect or omission, and shall be deemed and adjudged to have duly qualified him, her or themselves, according to the above mentioned acts, and every of them; and that all acts done or to be done by any such person or persons, or by authority derived from him or them, are and shall be of the same force and validity as the same, or any of them would have been if such person or persons had taken the said oaths or assurance, and received the sacrament of the Lord's supper, and made and subscribed the said declaration respectively, according to the direction of the said acts, and every of them; and that such person or persons qualifying themselves, in manner and within the time appointed by this act, shall be, to all intents and purposes, as effectual as if such person or persons had respectively taken the said oaths and assurance, and received the sacrament, and made and subscribed the said declaration, within the time and in the manner appointed by the several acts before mentioned.

II. And whereas admissions of several members and officers into cities, corporations and borough towns, which by several acts of parliament are directed and required to be stamped, may not have been provided, or the same not duly stamped, or may have been lost or mislaid: be it further enacted by the authority aforesaid, That for the relief of such persons whose admissions may not have been provided, or not duly stamped aforesaid, or where the same have been lost or mislaid, it shall and may be lawful to and for such persons, on or before the twenty eighth day of November one thousand seven hundred and fifty six, to provide, or cause to be provided, admissions duly stamped; and such persons so providing admissions duly stamped as aforesaid, are and shall be hereby confirmed and qualified to act as member or members, officer or officers, of such cities, corporations, and borough towns respectively, to all intents and purposes, and shall and may hold, enjoy and execute the same, or any other office or offices into which he or they have or hath been elected, notwithstanding his or their omission, or the omission of any of their predecessors, in such cities, corporations or borough towns as aforesaid,

Further time allowed for providing and stamping admissions into corporations.

said, and shall be indemnified and discharged of and from all incapacities, disabilities, forfeitures, penalties and damages, by reason of any such omission; and none of his or their acts shall be questioned or avoided for or by reason of the same.

III. Provided always, and be it further enacted by the authority aforesaid, That when and as often as any member or members, officer or officers of any city, corporation or borough town, shall desire to have his or their respective admissions renewed or confirmed in manner aforesaid, the mayor, or other chief magistrate of such city, corporation or borough town, shall, and he is hereby required, in every such case, upon notice given to him by any one or more member or members of such respective city, corporation or borough town, to summon a hall, common council, or other proper publick meeting, within six days after such notice given to him, for the purpose of admitting or granting copies, and confirming the admissions of such person or persons as aforesaid.

IV. And whereas divers persons, through mistake, absence, or some unavoidable accident, to the prejudice of infants and others, have omitted to cause affidavits to be made and filed in the proper offices, of the actual execution of several contracts in writing to serve as clerks to attorneys and solicitors, within the time limited and expressed by an act passed in the twenty second year of his present Majesty's reign, whereby many persons may be in danger of incurring the disabilities in the said act mentioned; be it enacted by the authority aforesaid, That all and every person and persons who have omitted to cause such affidavits to be made and filed as aforesaid, and who shall on or before the twenty fourth day of June one thousand seven hundred and fifty six, cause one or more affidavit or affidavits to be made and filed in such manner as directed by the said act, shall be, and are hereby indemnified, freed and discharged from and against all penalties, forfeitures, incapacities and disabilities in the said act mentioned, incurred, or to be incurred, for or by reason of any neglect or omission in causing such affidavit or affidavits to be made and filed according to the direction of the said act; and such affidavit or affidavits so to be made and filed as aforesaid, shall be as effectual to all intents and purposes as if the same had been made and filed within the time limited by the said act.

V. Provided always, That this act, or any thing herein contained, shall not extend, or be construed to extend, to restore or intitle any person or persons to any office or employment, or benefit, matter or thing whatsoever, already actually avoided, by judgment of any of his Majesty's courts of record, or already filled up or enjoyed by any other person; but such office, employment, benefit, matter or thing so avoided, or filled up and enjoyed, shall be and remain in and to the person or persons who is or are now intitled to the same, as if this act had never been made.

## C A P. XXXIII.

An act to render more effectual an act passed in the twelfth year of the reign of his late majesty King George, to prevent unlawful combinations of workmen employed in the woollen manufactures, and for better payment of their wages; and also an act passed in the thirteenth year of the reign of his said late Majesty, for the better regulation of the woollen manufacture, and for preventing disputes among the persons concerned therein; and for limiting a time for prosecuting for the forfeiture appointed by the aforesaid act, in case of the payment of the workmens wages in any other manner than in money.

<sup>22 Geo. I. c. 34.</sup> WHEREAS by an act passed in the twelfth year of the reign of his late majesty King George, intituled, An act to prevent unlawful combinations of workmen employed in the woollen manufactures, and for the better payment of their wages, it is enacted, That if any clothier, serge-maker, woollen or worsted stuff-maker, or person concerned in making any woollen clothes, serges or stuffs, or any ways concerned in employing wool-combers, weavers, or other labourers in the manufactures, shall pay any person or persons employed by them their wages, or other price agreed on, or any part thereof, either in goods or by way of truck, or in any other manner than in money, every person so offending shall forfeit and pay the sum of ten pounds: and whereas several prosecutions have been carried on against offenders for offences committed in breach of the said act, in manner therein prescribed, but the trials thereupon have been removed by Certiorari into some or one of his Majesty's courts of record at Westminster, and such prosecutions have been dropt upon account of the expence of carrying them on: and whereas by an act passed in the thirteenth year of the reign of his said late Majesty, intituled, An act for the better regulation of the

<sup>23 Geo. I. c. 23.</sup> woollen manufactures, and for preventing disputes among the persons concerned therein; and for limiting a time for prosecuting for the forfeitures appointed by an act of the twelfth year of his said late Majesty's reign, in case of the payment of the workmens wages in any other manner than in money, it is enacted, That every maker of mixed, medley or white broad cloth shall satisfy and pay the weaver or weavers employed by such maker in or about the weaving the same, according to the number of yards<sup>2</sup> that the said cloths are laid on the warping bars, and not otherwise, on pain of forfeiting and paying for every offence, contrary to the true meaning thereof, the sum of five pounds: and whereas by reason of the smallness of the said penalties, and the expensive manner of recovering thereof, and the want of proper powers to regulate the wages to be paid to weavers, the good purposes intended by the said acts have been no ways answered: for remedy whereof, may it please your Majesty, that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and

and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of June one thousand seven hundred and fifty six, it shall be lawful for the justices of the peace assembled at any of their general or quarter sessions held next after Michaelmas yearly, to make rates for the payment of wages to weavers and others employed in the woollen manufactures, according to the number of yards that the chains are laid upon the warping bars, and not otherwise, which rates shall continue for one year from the making thereof; and the said justices shall yearly, in their said general or quarter sessions, either continue such rates for another year, or alter them in such manner as they shall think fit; always observing the directions of the said act for that purpose as aforesaid; and if any maker of mixed, medley or white broad cloth shall not pay to the weaver or weavers employed by such maker, according to such rates, every person so offending shall forfeit and pay the sum of five pounds.

II. Provided always, That such justices shall yearly order and direct that the rates so made shall, within twenty days after the making thereof, be fixed upon all the church doors and chapel doors within their respective jurisdictions, by the high constables, petty constables or other peace officers in manner as the said justices shall think fit.

III. And be it further enacted, That if any clothier, serge-maker, woollen or worsted stuff-maker, worsted or woollen yarn stocking-maker, or person concerned in making any woollen clothes, serges, stuffs, worsted or woollen yarn stockings, or any other person any ways concerned for himself or another in employing weavers, combers of jersey or wool, worsted combers, spinners, knitters, or other labourers in the woollen manufactures, shall pay or cause to be paid to any person or persons employed by him or them, his or their wages, or other price agreed on, or any part thereof, either in goods or by way of truck, bill or note, or in any other manner than in money, every person so offending shall forfeit and pay the sum of twenty pounds.

IV. And be it further enacted, That the respective penalties and forfeitures incurred and made payable by this act, may be forfeitures, recovered by action of debt by any person who shall sue for the same, or may be levied upon conviction before any two or more justices of the peace for the county or place where the offence is committed, either by the confession of the party or parties, or upon the oath of one or more witness or witnesses, in case the same be not paid within fourteen days after such conviction, by distress and sale of the goods of the offender or offenders, by warrant under the hands and seals of such justices, (which warrant or warrants such justices are hereby authorized to grant, and to administer such oath or oaths) returning the overplus, if any be, after all charges paid; and for want of sufficient distress, the said justices shall commit the offender or offenders to be com-

For want of  
distress offend-  
er to be com-  
muted.

senders to the house of correction for any time not exceeding three months, or until satisfaction shall be made by the parties offending.

**Application of penalties upon conviction before the justices.**

**None may be sued both ways for the same offence.**

V. Provided always, That if any of the penalties and forfeitures aforesaid be levied upon conviction before the justices of the peace, one moiety thereof shall be paid to the poor of the parish where the offence was committed, and the other moiety to the informer.

VI. Provided also, That in case any action of debt shall be brought against any person for any of the penalties and forfeitures aforesaid, such person shall not be liable to any conviction before the justices of the peace for the same offence, whereby such penalties and forfeitures shall be incurred and made payable; nor in case of information laid before the justices, and conviction thereon, shall the person offending be liable to an action of debt for the penalties and forfeitures incurred and made payable by the same offence, for which such person hath been convicted before the justices.

**Persons aggrieved by order of justices may appeal to next quarter-sessions, entering into recognizance, and giving eight days notice.**

**Order of justices to be binding.**

**Proceedings not to be removed by Certiorari.**

**Limitation of prosecutions**

VII. Provided always, and be it further enacted, That it shall be lawful for any person or persons, who shall think him, her or themselves aggrieved by any order of such justices, to appeal to the next general or quarter sessions to be holden for the county, division or riding, where such order shall be made; such person or persons so appealing, having first entered into a recognizance with sufficient security before such justices, to prosecute and abide by the order or orders that shall be made on such appeal, and giving eight days notice in writing of such appeal to the party or parties in whose favour such order hath been made; and the justices in their general or quarter sessions are hereby authorized and required to hear and determine the matter of such appeal, and to make such order, and to award such costs and damages, as to them in their discretion shall seem reasonable, and to levy by their order or warrants such costs and damages so awarded, by distress and sale of the goods and chattels of any person or persons who shall refuse to pay the same; and for want of sufficient distress, to commit the party or parties to the common gaol of the said county, division or riding for any time not exceeding three months, or until satisfaction shall be made by the party or parties offending; and such award or order of the said justices at their general or quarter sessions shall be final; and no proceedings of any such justice or justices out of sessions, or of the justices in their said general or quarter sessions, in pursuance of this act, shall be liable to be removed by *Certiorari* or other form or process of law; any thing in this act or in any other act or acts contained to the contrary notwithstanding.

VIII. Provided always, That all prosecutions for offences against this act shall be commenced within three months next after the offence committed, and not afterwards.

## C A P. XXXIV.

*An act for the encouragement of seamen, and the more speedy and effectual manning his Majesty's navy.*

WHEREAS the unwarrantable hostilities begun by the French, have necessarily engaged his Majesty in actual war with the French King in defence of his subjects, and the rights and possessions of his crown: and whereas his Majesty has been pleased to notify the same by proclamation, and a publick declaration thereof, on the seventeenth day of May in the year of our Lord one thousand seven hundred and fifty six: now for the better carrying on the said war with vigour, and for the encouragement of the officers and seamen of his Majesty's ships of war, and the officers and seamen of all other British ships and vessels, having commissions and letters of marque, and for inducing all British seamen, who may be in any foreign service, to return into this kingdom, and become serviceable to his Majesty; and for the more effectual securing and extending the trade of his Majesty's subjects; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That the flag officers, commanders and other officers, seamen, marines and soldiers, on board every ship and vessel of war in his Majesty's pay, shall have the sole interest and property of and in all and every ship, vessel, goods and merchandizes, which they shall take, from and after the seventeenth day of *May* in the year of our Lord one thousand seven hundred and fifty six, during the continuance of this war against *France* (being first adjudged lawful prize in any of his Majesty's courts of admiralty in *Great Britain*, or in his Majesty's plantations in *America*, or elsewhere) to be divided in such proportions, and after such manner, as his Majesty, his heirs and successors, shall think fit to order and direct by proclamation or proclamations hereafter to be issued for thole purposes,

II. And be it further enacted by the authority aforesaid, That the lord high admiral of *Great Britain*, or the commissioners for executing the office of lord high admiral of *Great Britain* for the time being, or any three or more of them, or any person or persons by him or them impowered and appointed, shall at the usual security, request of any owner or owners of any ship or vessel, giving such security as have been usually taken upon granting commissions, or letters of marque (except only for the payment of the tenth of the value of prizes which shall be taken, to the lord high admiral, or commissioners for executing the office of lord high admiral for the time being) cause to be issued forth in the usual manner, one or more commission or commissions to any person or persons, whom such owner or owners shall nominate to be commander, or in case of death, successively, commanders of such ship or vessel, for the attacking, surprizing, seizing

feizing and taking, by and with such ship or vessel, or with the crew thereof, any place or fortrefs upon the land, or any ship or vessel, goods, ammunition, arms, stores of war or merchandize, belonging to, or possessed by, any of his Majesty's enemies, in any ſea, creek, haven or river; and that ſuch ship or ships, vessel or vessels, arms, ammunition, stores of war, goods and merchandizes whatſoever, with all their furniture, tackle or apparel ſo to be taken by or with ſuch private owner or owners ſhip or vessel, according to ſuch commission and commissions (being first adjudged lawful prize in any of his Majesty's courts of admiralty as aforesaid) ſhall wholly and entirely belong to and be divided between and among the owner and owners of ſuch ship or vessel, and the ſeveral persons which ſhall be on board the ſame, and be aiding and assisting to the taking thereof, in ſuch ſhares and proportions as ſhall be agreed on with the owner or owners of ſuch ship or vessel as ſhall be the captor thercof, their agents or factors, as the proper goods and chattels of ſuch owner or owners, and the persons that ſhall be thus entitled thereto, by virtue of ſuch agreements among themſelves; and that neither his Majesty, his heirs or ſucceſſors, or any admiral, vice admiral, governor, or other person commiſſioned by or claiming under his Majesty, his heirs or ſucceſſors, or any person or persons whatiover other than the owner or owners of ſuch ship or vessel, being the captor of ſuch prize, ſhip or vessel, arms, ammunition, stores of war, goods and merchandizes, and the persons claiming under him or them, ſhall be entitled to any part or ſhare thereof (except as to the customs and duties hereafter mentioned) any custom, ſtatute or other law, to the contrary notwithstanding.

III. And for the more ſpeedy proceeding to condenmation, or other determination, of any prize, ſhip or vessel, goods or merchandizes, already taken, or hereafter to be taken as aforesaid, and for leſſening of the expences that have been uſual in the like caſes, be it further enacted by the authority aforesaid,

Judge to finish the preparatory examination, with reſpect to captures, within five days.

That the judge or judges of ſuch court of admiralty, or other person or persons thereto authorized, ſhall within the ſpace of five days after request to him or them for that purpose made, finish the uſual preparatory examination of the persons commonly examined in ſuch caſes, in order to prove the capture to be lawful prize, or to enquire whether the ſame be lawful prize or not; and that the proper monition uſual in ſuch caſes, ſhall be issued by the person or persons proper to issue the ſame, and ſhall be executed in the uſual manner by the person or persons proper to execute the ſame, within the ſpace of three days after request in that behalf made; and in caſe no claim of ſuch capture, ſhip, vessel or goods, ſhall be duly entered or made in the uſual form, and attelſed upon oath, giving twenty days notice after the execution of ſuch monition; or if there be ſuch claim,

Monition to be issued and executed within 3 days after.

If no claim be made within a limited time,

or security given by the claimant,

or goods, in case the same so claimed shall be adjudged lawful prize; that then, the judge or judges of such court of admiralty shall, upon producing to him or them the said examinations, or copies thereof, and upon producing to him or them upon oath, all papers and writings which shall have been found, taken in or with such capture; or upon oath made that no such papers or writings were found; immediately, and without further delay, the judge to proceed to sentence, either to discharge and acquit such capture, or to adjudge and condemn the same as lawful prize, according as the case shall appear to him or them, upon perusal of such preparatory examinations, and also of the other last-mentioned papers and writings found, taken in or with such capture, if any such papers or writings shall be found; and in case such claim shall be duly entered or made, and security given thereupon, according to the tenor and true meaning of this act, and there shall appear no occasion to examine any witnesses, other than what shall be then near to such court of admiralty, that then such judge or judges shall forthwith cause such witnesses to be examined within the space of ten days after such claim made and security given, and proceed to such sentence as aforesaid, touching such capture; but in case upon making or entering such claim, and the allegation and oath thereupon, or the producing such papers or writings as shall have been found or taken in or with such capture, or upon the said preparatory examinations, it shall appear doubtful to the judge or judges of such court of admiralty, whether such capture be lawful prize or not, and it shall appear necessary, according to the circumstances of the case, for the clearing and determining such doubt, to have an examination, upon pleadings given in by the parties, and admitted by the judge, of witnesses that are remote from such court of admiralty, and such examination shall be desired, and that it be still insisted on, on behalf of the captors, that the said capture is lawful prize, and the contrary be still persisted in on the claimants behalf; that then the said judge or judges shall forthwith cause such capture to be appraised by persons to be named by the parties, and appointed by the court, and sworn truly to appraise the same according to the best of their skill and knowledge; for which purpose, the said judge or judges shall cause the goods found ~~on board~~, to be unladen, and an inventory thereof being first taken by the marshal of the admiralty or his deputy, shall cause them to be put into proper warehouses, with separate locks of the collector and comptroller of the customs; and where there is no comptroller, of the naval officer; and the agents or persons employed by the captors and claimants, at the charge of the party or parties desiring the same; and shall after such appraisal made, and within the space of fourteen days after the making of such claim, proceed to take good and sufficient security from the claimants, to pay the captors the full value thereof according to such appraisement, in case the same shall be adjudged lawful prize; and shall also proceed to take good and sufficient security from the captors, to pay such costs as the

and for costs court shall think proper, in case such ship shall not be condemned as lawful prize; and after such securities duly given, the said judge or judges shall make an interlocutory order for releasing or delivering the same to such claimant or claimants, or to make order for release of the capture to his or their agents, and the same shall be actually released or claimant.

**Claimant refusing, and capture giving such security.** IV. And it is hereby further enacted by the authority aforesaid, That if any claimant or claimants shall refuse to give such security, the judge or judges shall cause the captor or captors in like manner to give good and sufficient security, to be approved of by the claimant or claimants, to pay the said claimant or claimants the full value thereof, according to the appraisement, in case any such capture or captures shall be adjudged not to be lawful prize; and the said judge or judges shall thereupon proceed to make an interlocutory order for the releasing and delivering the same to the laid captor or captors, or their agents.

**Judge to make order for delivery of prize to captor.** V. And it is further enacted by the authority aforesaid, That all such captures as aforesaid, which shall be brought into any of his Majesty's colonies or plantations in America, shall, without breaking bulk, stay there, and be under the joint care and custody of the collector and comptroller of the customs, or where there is no comptroller, of the naval officers of the port or place where the same shall be brought, and all the captors thereof, and their agents; subject to the directions of the court of admiralty, until either the same shall by final sentence have been either cleared and discharged, or adjudged and condemned as lawful prize; or that such interlocutory order as aforesaid, shall have been made for the releasing or delivering of the same; and upon the condemnation or adjudication thereof as lawful prize, shall in case the same were taken by any such private ship or ships, commissioned as aforesaid, be immediately delivered unto the captors thereof, and their agents, to be by them disposed of as their goods and chattels; and in case the same were taken by any of his Majesty's ships of war, unto such person or persons, and to be so divided and disposed of, as his Majesty, his heirs and successors, by proclamation or proclamations hereafter to be issued for those purposes, order and direct.

**Upon condemnation, prize to be delivered to the captors.** VI. And be it further enacted by the authority aforesaid, That if any judge or judges, or other officer or officers, in any of his Majesty's plantations or dominions abroad, to whom respectively it shall appertain, shall delay the doing, performing, making or pronouncing any of the several proceedings, matters or things, for, towards or relating to condemning or discharging, releasing or delivering of any such capture in manner aforesaid, within the respective times herein before limited, or as soon as the same or any of them, ought to be done, according to the tenor and true meaning of this act, all and every such judge and judges, and other officer and officers, shall for every such offence, forfeit the sum of five hundred pounds; one moiety thereof to his Majesty, his heirs and successors, the other moiety thereof, with full costs of suit, to such person or persons who shall inform or sue

**Judge or other officer in America, guilty of neglect or delay,** VI. And be it further enacted by the authority aforesaid, That if any judge or judges, or other officer or officers, in any of his Majesty's plantations or dominions abroad, to whom respectively it shall appertain, shall delay the doing, performing, making or pronouncing any of the several proceedings, matters or things, for, towards or relating to condemning or discharging, releasing or delivering of any such capture in manner aforesaid, within the respective times herein before limited, or as soon as the same or any of them, ought to be done, according to the tenor and true meaning of this act, all and every such judge and judges, and other officer and officers, shall for every such offence, forfeit the sum of five hundred pounds; one moiety thereof to his Majesty, his heirs and successors, the other moiety thereof, with full costs of suit, to such person or persons who shall inform or sue

forfeits 500L.  
with costs.

sue for the same, in any of the courts in or for any of his Majesty's said colonies or plantations, or in any of his Majesty's courts of record within his kingdom of Great Britain.

VII. And it is hereby further enacted by the authority aforesaid, That there shall not be paid unto or among all the judges and officers of such court of admiralty in any of his Majesty's plantations or dominions abroad, for, towards or relating to the adjudging or condemning of such capture as aforesaid, as lawful prize, above the sum of ten pounds, in case such prize, ship or vessel, be under the burthen of one hundred tons; nor above the sum of fifteen pounds, in case the same be of that or any greater burthen; and that upon payment of either of the said respective sums, as the case shall require, to the said judge or judges, or any of them, to be by him or them disposed or divided, as he or they shall think fit, among the officers of such court, such judges and officers, and every of them, shall be liable to all the fees, able to all and every the several penalties hereby imposed, for neglecting or delaying to do and perform their several and respective duties or offices in and relating to the several proceedings aforesaid, within the respective times herein for that purpose limited.

VIII. Provided nevertheless, and it is hereby further enacted by the authority aforesaid, That if any captor or captors, claimant or claimants, shall not rest satisfied with the sentence given in such court of admiralty in any of his Majesty's plantations or dominions abroad, it shall and may be lawful for the party or parties thereby aggrieved to appeal from the said court of admiralty, to the commissioners appointed, or to be appointed, under the great seal of Great Britain, for receiving, hearing and determining appeals in causes of prizes; such appeal to be allowed in the like manner as appeals to such commissioners are now allowed from the court of admiralty within this kingdom; so as the same be made within fourteen days after sentence, and good security be likewise given by the appellant or appellants, that he or they will effectually prosecute such appeal, and answer the sentence, and condemnation, and also pay treble costs, as shall be awarded, in case the sentence of such court of admiralty be affirmed; any thing in this act before contained to the contrary hereof in any wise notwithstanding.

IX. Provided always, That the execution of any sentence so appealed from as aforesaid, shall not be suspended by reason of such appeal, in case the party or parties appellate shall give sufficient security, to be approved of by the court in which such sentence shall be given, to restore the ship, vessel, goods or effects, concerning which such sentence shall be pronounced, or the full value thereof, to the appellant or appellants, in case the sentence so appealed from shall be reversed.

X. And be it enacted, That in case any person, who was not a party in the first instance of the cause, shall interpose and appeal from a sentence given in any admiralty court, such person, or his or her agent shall, at the same time, enter his or her claim, otherwise such appeal shall be null and void.

Captors breaking bulk, or  
imbeziling effects, to forfeit treble value.

XI. And be it farther enacted by the authority aforesaid, That if any commander or commanders, officer or officers, seamen, marines, soldiers or others shall break bulk on board, or imbezil any of the money, jewels, plate, goods, merchandize, tackle, furniture or apparel of or belonging to such prize or prizes so taken, such commander, officer, seaman, marine, soldier or others, shall forfeit treble the value of all such money, jewels, plate, goods, merchandize, tackle, furniture or apparel, as he or they shall imbezil; one third part thereof to be to the use of *Greenwich Hospital*, and the other two third parts thereof to him or them that will sue for the same by action of debt, plaint or information in any court of record in *Great Britain*; in which no esoin, protection or wager of law, or more than one imparlane shall be allowed.

One third to  
*Greenwich Hospital*, and  
the other two  
to the prosector.

Appraisements and sales of prizes taken by the King's ships, to be made by the agents for officers and crews.

Regulations concerning of agents.

Not to extend to privatees.

Agents to exhibit and register their letters of attorney in the court where the prize shall be condemned, on penalty of 500 l.

XII. And be it further enacted by the authority aforesaid, That all appraisements and sales of any ship or ships, goods, wares or merchandizes, as shall be taken by any of his Majesty's ships of war, shall be made by agents or persons nominated and appointed in equal numbers by the flag officers or flag officer, captains or captain, officers or officer, ships companies or ship's company, and others intitled thereunto (that is to say) That if the flag officers or flag officer of any fleet or squadron of ships as shall take any such prize or prizes (or the majority of such flag officers, if more than one) shall nominate and appoint one or more person or persons, agent or agents to sell or appraise the same as aforesaid, then the captains and commanders or captain and commander intitled thereunto, or the majority of them, if more than one, shall nominate and appoint the like number of persons or agents to act for them; and all the other officers under the degree of a captain and commander intitled thereto, or the major part of them, shall also nominate and appoint the like number of persons or agents to act for them; and all the crews of the several ships companies of the fleet or squadron, or ship's company and others intitled thereto, or the major part of them, shall likewise nominate and appoint the same number of persons or agents to act on their behalf in such appraisement or sale.

XIII. Provided, That nothing herein contained shall extend, or be construed to alter or make void any ~~agreement~~ or agreements made or to be made in writing between the owners, officers and seamen of any private ships or vessels of war.

XIV. And be it further enacted by the authority aforesaid, That all and every person or persons who shall be so nominated and appointed agent or agents as aforesaid for any prize or prizes taken by any ship or ships, vessel or vessels of war, or by any merchant ship or ships employed in his Majesty's service, or having letters of marque, or for receiving the bounty herein after granted, and which prize or prizes shall be condemned in the high court of admiralty in *Great Britain*, or in any of the courts of admiralty in any of his Majesty's plantations in *America*, or in any other his Majesty's dominions, or elsewhere, where the said prize and prizes, and every of them, shall be condemned,

condemned, shall exhibit and cause to be registered in the said high court of admiralty in *Great Britain*, or in the respective courts of admiralty in *America*, or in any other his Majesty's dominions, or elsewhere, where the said prize and prizes, and every of them, shall be condemned, his or their respective letter or letters of attorney appointing him or them agent or agents for the purposes aforesaid; and if any person or persons so appointed agent or agents as aforesaid, shall refuse or neglect so to do for the space of six calendar months next after sentence of condemnation of any prize shall be given in the said high court of admiralty in *Great Britain*, or in *America*, or other his Majesty's dominions, for the care and distribution of which he or they shall be appointed agent or agents, such person or persons so refusing or neglecting shall forfeit the sum of five hundred pounds, to be recovered by him or them who shall sue for the same by action of debt, bill, plaint or information in any court of record in *Great Britain*, *America* or in any other of his Majesty's dominions, or elsewhere; in which no escomption, protection or wager of law, or more than one imparlance shall be allowed.

XV. Provided always, That if any agent or agents shall be appointed after the time any sentence of condemnation in any of the said courts of admiralty shall be given, such agent or agents shall, under the aforesaid penalty, register or cause to be registered in manner aforesaid, his or their respective letters or attorney in like manner, appointing him or them agent or agents as aforesaid within the space of six calendar months after the date of the said letter or letters of attorney.

XVI. And be it further enacted by the authority aforesaid, That after the sale or sales of such prize or prizes, as shall be taken from the enemy by any of his Majesty's ships of war, publick notification shall be given by the persons or agents appointed as aforesaid, of the day appointed for the payment of the several shares to the captors aforesaid; after which publick notification, if any mens shares shall remain in the hands of the persons or agents appointed as aforesaid, either belonging to such men as shall be run from his Majesty's service, or which shall not be legally demanded within three years, then such share or shares so remaining in the persons or agents hands, or to be belonging to such men as shall run from his Majesty's service, shall go and be paid to the use of Greenwich Hospital.

XVII. Provided always, and be it declared and enacted by the authority aforesaid, That nothing herein contained shall extend, or be construed to extend to exempt any ships, goods, wares or merchandize already taken, and which shall be taken as prize, and brought or imported into this kingdom, or any of his Majesty's plantations in *America*, from the payment of any customs or duties, or from being subject to such restrictions and regulations to which the same now are or shall hereafter be liable by virtue of the laws and statutes of this realm.

XVIII. And be it enacted by the authority aforesaid, That Prize ships all prize ships or vessels which shall be legally condemned, shall be condemned to all intents and purposes whatsoever be considered as British as British built built ships.

built ships or vessels, and be deemed and taken as such, and shall be intitled to have and enjoy all and every the same rights, liberties, privileges and advantages, in all respects whatsoever with British built ships or vessels, and shall be subject and liable to all and every the rules and regulations that British built ships or vessels are subject and liable to; any law, custom or usage to the contrary thereof in any wise notwithstanding.

**XIX.** And whereas by a clause in an act of parliament passed in the twelfth year of the reign of King Charles the Second, intituled, An act for the encouraging and increasing of shipping and navigation, it is enabled, That no goods or commodities of the growth, production or manufacture of Muscovy, or of any the countries, dominions or territories to the great duke or emperor of Muscovy or Russia belonging; as also that no sorts of masts, timber or boards, no foreign salt, pitch, tar, rosin, hemp or flax, raisins, figs, prunes, olive oils, no sort of corn or grain, sugar, pot ashes, wines, vinegar, or spirits called Aqua Vitæ or brandy wine, should, from and after the first day of April which was in the year of our Lord one thousand six hundred and sixty one, be imported into England, Ireland, Wales, or town of Berwick upon Tweed, in any ship or ships, vessel or vessels whdisoever, but in such as do truly and without fraud belong to the people thereof, or some of them, as the true owners and proprietors thereof, and whereof the master and three fourths of the mariners at least are English; and that no currants, nor commodities of the growth, product or manufacture of any of the countries, islands, dominions or territories to the Othoman or Turkish empire belonging, should, from and after the first day of September which was in the year of our Lord one thousand six hundred and sixty one, be imported into any of the forementioned places in any ship or vessel but which is of English built, and navigated as aforesaid, and in no other, except only such foreign ships and vessels as are of the built of that country or place of which the said goods are the growth, production or manufacture respectively, or of such port where the said goods can only be, or most usually are first shipped for transportation, and whereof the master and three fourths of the mariners at least are of the said country or place, under the penalty and forfeiture of ship and goods: and whereas the selling of British built ships to foreigners is a beneficial branch of trade, and ought therefore to be encouraged, and it is highly reasonable that British ships ~~for the use of~~ being the property of foreigners, should enjoy the same privilege in these kingdoms, as if they were of the built of the respective countries or places from whence such ships do come; now, be it further enacted—

The recited clause not to prohibit the importation in British built vessels, of the goods mentioned therein, so as such ships are navigated as herein directed.

the islands of *Guernsey* or *Jersey*, or in any of the lands, islands, dominions and territories to his Majesty in *Africa*, *Asia* or *America* belonging, or in his possession, so as the master and three fourths of the mariners at least, belonging to and navigating any such ship or vessel, are *British*, or of the same country or place of which the said goods are the growth, production and manufactures respectively, and not otherwise.

XX. Provided always, That all goods and merchandizes imported into *Great Britain* or *Ireland*, in ships belonging to, and the property of foreigners, although *British* built, shall pay aliens and all other duties, in the same manner, as if such ships were foreign built.

XXI. And as a further encouragement to the officers, seamen, marines, soldiers, and others, on board his Majesty's ships of war, as also of privateers, to attack, take and destroy, any ships of force belonging to the enemy; be it enacted by the authority aforesaid, That there shall be paid by the treasurer of his Majesty's navy, upon bills to be made forth by the commissioners of the navy, to be paid according to the course thereof, without fee or reward, unto the officers, seamen, marines, soldiers, or others, that shall have been actually on board any of his Majesty's ship or ships of war, or privateer or privateers, in any action where any ship or ships of war or privateers shall have been taken from the enemy, sunk, burnt, or otherwise destroyed, since his Majesty's declaration of war against *France*, dated the said seventeenth day of *May* one thousand seven hundred and fifty six, five pounds for every man which was living on board any ship or ships so taken, sunk, burnt, or otherwise destroyed, at the beginning of the engagement between them; the numbers to be of such men to be proved by the oaths of three or more of the chief officers, or men, which were belonging to the said ship or ships of war, or privateers of the enemy, or belonging to any of them, at the time of her or their being taken as prize, sunk, burnt, or otherwise destroyed, before the mayor, or other chief magistrate of the port within any of his Majesty's dominions, whereunto any prize, or officers, or men of such ships, as were sunk, burnt, or otherwise destroyed, shall be brought, or before the *British* consul, or vice consul, residing at any neutral port to which such prize, officers, or men, shall be brought; which oaths the said mayor, or other chief magistrate of any such port, or consul, or vice consul, are hereby respectively impowered and required to administer, and shall forthwith grant a certificate thereof, without fee or reward, directed to the commissioners of the navy; upon producing which certificate to the commissioners of his Majesty's navy, together with an authentic copy of the condemnation of such ship so taken; or if such ship be sunk, burnt, or otherwise destroyed, on producing only a certificate from the mayor, or other chief magistrate, or consul, as aforesaid, the said commissioners of his Majesty's navy, or such person or persons as they shall appoint for that purpose, shall according to the course of the navy, with a certificate to be granted thereof, and produced to the commissioners of the navy, with copy of the condemnation of such ship, unless in the ship be

funk or de-  
stroyed.  
Divided to be  
made accord-  
ing to pro-  
portion settled  
by proclama-  
tion.

in fifteen days, make out bills for the amount of such bounty, directed to the treasurer of the navy, payable to, and to be divided amongst the officers, seamen, marines and soldiers, on board his Majesty's ships of war, in manner, form and proportion, as by his Majesty's proclamation to be issued for that purpose shall be directed and appointed; and amongst the owners, officers and seamen, of any private vessel or ship of war, in such manner and proportion, as by any agreement in writing they shall have entered into for that purpose, shall be directed.

Where such  
oath and cer-  
tificate cannot  
be had at the  
first port,

the same may  
be made at  
any other  
port;

Oath being  
made of such  
inability at  
the first port.

Bills for boun-  
ty money to  
be paid to  
agents,

and divided a-  
mongst the  
captors.

Shares not de-  
manded with-  
in three years,  
to be paid to  
Greenwich  
Hospital.

XXII. Provided nevertheless, That in all cases where such oath and certificate cannot be administered and granted at the first port whereunto any prize, or officers or men of such ships as shall be taken, sunk, burnt, or otherwise destroyed, shall be brought, such oath or oaths relating to any prize or prizes that shall be taken, or to any ships of his Majesty's enemies, that shall be sunk, burnt, or otherwise destroyed, as aforesaid, shall and may be administered and taken by and before the mayor, or other chief magistrate of any port within any of his Majesty's dominions, or by or before the British consul, or vice consul, residing at any neutral port whereunto any prize or prizes, or officers or men of any ships belonging to his Majesty's enemies, as shall be taken, sunk, burnt, or otherwise destroyed, shall at any time afterwards be brought (proof being first made by affidavit before such person or persons of the inability of making such oath or oaths, and obtaining such certificate, at the said first port) and the mayor, or other chief magistrate, consul, or vice consul, shall thereupon grant such certificate and certificates as are herein before directed; which certificate and certificates shall be good and effectual to all intents and purposes, as if the same were granted by the mayor, or other chief magistrate, consul, or vice consul of the port to which such prize or prizes, officers or men, as aforesaid, shall be first brought; any thing herein contained to the contrary thereof in any wise notwithstanding.

XXIII. And be it further enacted by the authority aforesaid, That the bill or bills to be made out for the bounty hereby granted to the commanders, officers, seamen, marines, soldiers and others, of his Majesty's ships of war, for taking, sinking, burning, or otherwise destroying, any ships of war, or privateers, belonging to any of his Majesty's enemies, shall be made payable to such person or persons as shall be authorized and appointed by the flag officers or flag officer, captains or captain, officers or officer, ships companies, or ship's company, and others, intituled thereunto, in like manner as herein before is directed for the nominating and appointing agents for appraisements and sales to be made as aforesaid; the same to be distributed and divided by the said person or persons so authorized and appointed amongst the captors, in such manner, form and proportion, as aforesaid; the several shares of which captors, if not legally demanded within three years after publick notification, and also of such as shall run from his Majesty's service, shall be applied to the use of Greenwich Hospital; and that the bill

bill or bills to be made out for the bounty hereby granted to privateers for taking, burning, sinking, or otherwise destroying, any ships of war, or privateers, belonging to any of his Majesty's enemies, shall be made payable to such person or persons as shall be nominated and appointed by the owner or owners, officers and seamen, of such privateer or privateers, who shall have taken, sunk, burnt, or otherwise destroyed the same, or the major part of them; to be divided in such manner and proportions, as shall have been agreed on by them as aforesaid.

Bounty money  
to privateers,  
to be divided  
as agreed.

XXIV. Provided always, and be it enacted, That if any ship, vessel or boat, taken as prize, or any goods therein, shall appear, and be proved in the court of admiralty, to have belonged to any of his Majesty's subjects of Great Britain or Ireland, or any of the dominions and territories remaining and continuing under his Majesty's protection and obedience, which were before taken or surprized by any of his Majesty's enemies, and at any time afterwards again surprized and retaken from his Majesty's enemies by any of his Majesty's ships of war, or any private man of war, or other ship, vessel or boat, under his Majesty's protection and obedience, that then such ships, vessels, boats and goods, and every such part and parts thereof, as aforesaid, formerly belonging to such of his Majesty's subjects, shall in all cases, be adjudged to be restored, and shall be by decree of the said court of admiralty accordingly restored to such former owner or owners or proprietors, he or they paying for and in lieu of salvage, if retaken from the enemy by one of his Majesty's ships of war, one eighth part of the true value of the ships, vessels, boats and goods respectively so to be restored; which salvage shall be answered and paid to the captains, officers and seamen in the said man of war, to be divided in such manner as before in this act is directed touching the share of prizes belonging to the flag officers, captains, officers, seamen, marines and soldiers, where prizes are taken by any of his Majesty's ships of war; and if taken by a privateer, or other ship, vessel or boat, before it has been in the possession of the enemy twenty four hours, one eighth part of the true value of the said ships, vessels, boats and goods; and if it has been in the possession of the enemy above twenty four hours, and under forty eight hours, a fifth part thereof; and if above forty eight hours, and under ninety six hours, a third part thereof; and if above ninety six hours, a moiety thereof; all which payments to be made to any privateer, or other ship, vessel, or boat, shall be without any deductions; and if such ship so retaken by any of his Majesty's ships of war, or by any private man of war, shall appear to have been, after the taking by the enemy, by them set forth as a man of war, the former owners and proprietors to whom the same shall be restored, shall be adjudged to pay, and shall pay for salvage, the full moiety of the true value of the said ship so taken and restored, without deduction as aforesaid; any law, custom or usage to the contrary notwithstanding.

Payment of  
salvage to be  
without de-  
duction.

If the ship re-  
taken was fit-  
ted out by the  
enemy as a  
man of war,  
owner to pay  
for salvage the  
moiety of the  
value.

Ship or merchandise taken by collusion by privateers,

forfeited to his Majesty, with the bond; one moiety to the crown, the other to the prosecutor, and if so taken by a King's ship, the captain to forfeit 1000 l.

and be suspended for seven years,

and the ship and goods forfeited.

Run men forfeit their share of prize and bounty money;

to be paid to Greenwich Hospital;

and if they run, after notification, to lose what then remains of their share in the agents' hands.

XXV. And be it further enacted by the authority aforesaid, That in case any ship or vessel, or any goods or merchandize, shall be taken by any privateer through consent, or clandestinely, or by collusion or connivance, such ship and vessel, and such goods and merchandizes, and also the ship's tackle, furniture, apparel and ammunition, of such privateer, shall upon proof thereof to be made in his Majesty's court of Exchequer, or in the court of admiralty, be declared and adjudged to be good prize to his Majesty; and one moiety thereof shall be to the use of his Majesty, his heirs and successors, and the other moiety to the use of such person who shall discover and sue for the same; and the bond given by the captain of such privateer shall be, and is hereby adjudged to be forfeited to his Majesty; and in case any such ship or vessel, or any goods or merchandizes as aforesaid, shall be taken by any man of war, through consent, clandestinely, or by collusion or connivance of the commander or captain, such commander or captain shall forfeit the sum of one thousand pounds; one moiety thereof to the use of his Majesty, his heirs and successors, and the other moiety to the use of such person who shall discover and sue for the same; to be recovered by action of debt, bill, plaint or information, in any of his Majesty's courts of record, wherein no escoin, protection, privilege or wager of law, or any more than one imparlance shall be allowed; and such captain or officer, shall forfeit his command and employment, and shall be, and is hereby disabled and made incapable of any office or employment under his Majesty, during the space of seven years; and the said goods and merchandizes, and the ship, tackle, apparel, furniture, guns and ammunition so taken by collusion, shall be and is hereby adjudged to be good prize to his Majesty.

XXVI. And be it further enacted by the authority aforesaid, That no person or persons belonging to any of his Majesty's ships or vessels of war, or to any merchant ship employed in his Majesty's service, who shall run away, or withdraw him or themselves from the ship or vessel, by which any prize or prizes shall be taken from any of his Majesty's enemies, or otherwise from his Majesty's service, before or after notification shall be given by the persons or agents appointed as aforesaid, of the day appointed for the payment of the several shares to the captors of the said prize or prizes, shall have, or be intituled to have, or claim any interest in, or benefit of the said share or shares, of the said prize or prizes, or the bounty money aforesaid, or any part thereof; but such share and shares of such prize and prizes and bounty money, shall go and be paid to the use of Greenwich Hospital.

XXVII. Provided always, That if any person or persons shall or do run away, or withdraw him or themselves from any such ship or vessel as aforesaid, after notification given as aforesaid, he or they shall forfeit and lose such part of his and their share and shares of the said prize or prizes and bounty money, as shall be remaining in the said agent or agents hands, at the time

time of his and their running away, or withdrawing him or themselves; any thing herein before contained to the contrary thereof in any wise notwithstanding.

XXVIII. And be it enacted by the authority aforesaid, That Agents, with-all and every person and persons, agent and agents, and others in three who shall sell, or otherwise dispose of any prize or prizes so to months after be taken as aforesaid, from any of his Majesty's enemies, shall the day ap- within the space of three calendar months next after the day to first payment, be appointed for the first payment or distribution to the captors to transmit to of such prize or prizes made in pursuance of such publick no- the treasurer tification as aforesaid, make out and transmit, or deliver unto Hospital, an the treasurer of the said royal hospital at Greenwich for the time account of the being, or to such person or persons as he shall for that purpose produce of depute or appoint, a true state and account in writing, under such prize; the hand or hands of such agent or agents, or person or persons so employed, of the produce of all such prize and prizes as afore- said, together with an account of the payments of the several and payments shares to the captors, as shall then have been really and bona of shares; fide by him or them respectively paid; and also that all and every person and persons authorized and appointed by this present act, and also trans- to receive bills for the bounty hereby granted, shall within the mit a like ac- like space of three calendar months, next after the day appoint- count of the ed for the first payment or distribution of such bills, for the bounty mo- ney; bounties as aforesaid, in like manner make out and transmit, or deliver to the treasurer for the time being of the said hospital, or to his sufficient deputy, a true state and account in writing, un- der his or their hand or hands, of the payment and distribution of such bills; and further that all and every person and persons, agents and others, that by virtue of this act shall sell or dispose of any prize or prizes, which shall at any time or times here- after be taken from the said enemy, by any of his Majesty's ships or vessels of war, or that shall receive or dispose of any bill or bills for bounty, such person and persons, agents and others so selling and disposing thereof, shall within the space of three calendar months next after the expiration of the term of and within three years, limited by this act, make out an exact account in three years writing of the produce of such prize and prizes, bill and bills after, to make for bounty; as also of the payments of the several shares to the out on oath, respective captors, together with a true and just account upon like account oath, to be taken before the treasurer of the said hospital for of the produce the time being, or any other person or persons, by him for that purpose deputed and authorized, in writing under his hand and seal (which oath the said treasurer of the said hospital, and his money, sufficient deputy and deputies authorized as aforesaid, is and are hereby authorized and impowered to administer) of all sum and and of all sums sums of money as shall be then remaining in such agent or agents then remain- or persons custody, power or possession, and shall at the same ing in their time deliver, or cause to be delivered to the treasurer of the said hospital for the time, or to his sufficient deputy or agent, the which are to said accounts so attested upon oath as aforesaid, together with all be paid over at the same time such remaining sum and sums of money then so left and remain- to the treasur- ing

et of the said hospital, ing in his or their hands as aforesaid, taking from the said treasurer, or his proper deputy or agent, his or their acquittance or acquittances for the same.

Agents neglecting to render such accounts and payments, to forfeit 100l. over and above the money then in their hands;

one third to the King, and the rest to the hospital.

If there appear any fraud in such accounts, persons concerned to forfeit 100l. extra.

One third to the King, one to the hospital, and one to the prosecutor.

Privateers subject to the laws in British colonies in going into the ports there.

**XXIX.** And be it further enacted, That all and every the person and persons hereby directed to transmit or deliver all or any the accounts before-mentioned, who shall neglect or refuse to transmit or deliver all or any such account or accounts to the treasurer of the said hospital, or his said deputy or agent, within the time before limited and appointed, in manner and form as is herein before mentioned, or who shall neglect or refuse to pay over all and every such sum and sums of money, as shall remain in his or their hand or hands, power, custody or possession, after the term of three years, to be accounted as aforesaid, shall for every such offence, forfeit the sum of one hundred pounds, over and above the money then in such agents hands; one third part whereof shall belong to his Majesty, and the remaining two thirds to the said royal hospital, to be recovered with costs of suit, by action of debt, bill, plaint or information, in any of his Majesty's courts of record, in which no es-  
soin, protection, privilege or wager of law, or more than one imparlance shall be allowed.

**XXX.** And be it further enacted, That if any fraud, collusion or deceit, shall be wittingly or willingly made, used, committed, permitted or done or suffered, in making, stating or ballancing any such accounts, then every person or persons, who shall be thereof duly convicted, and his and their aiders and abettors, shall forfeit and pay for every such offence, over and above the penalties and punishments inflicted by this act, the sum of one hundred pounds, one third part whereof to be to the use of his Majesty, and one other third to the use of the said hospital, and the other third to the informer who shall sue for the same, to be recovered with costs of suit, by action of debt, bill, plaint or information, in any court of record, in which no es-  
soin, protection, privilege or wager of law, or more than one imparlance shall be allowed.

**XXXI.** And whereas good and necessary laws have been made and are still in force within several of his Majesty's colonies or plantations in America, for preventing the carrying off from the said colonies or plantations any servant or slave without the consent of the owner, or the carrying off from thence any other person or persons whatsoever, until such person shall have taken out his tuket from the secretary's office, within such respective colony or plantation, in such manner and under such penalties and forfeitures, as in and by the several laws is declared and provided; be it therefore further enacted by the authority aforesaid, That all commanders of private ships of war, or merchant ships having letters of marque, shall upon their going into any of those ports or harbours be subject, and they are hereby determined to be subject to the several directions, provisions, penalties and forfeitures in and by such laws made and provided; any thing in this act contained to the contrary thereof in anywise notwithstanding.

**XXXII.** Pro-

XXXII. Provided always, That nothing in this act contained shall be construed to restrain his Majesty, his heirs and successors, from giving such further rules and directions to his respective courts of admiralty, for the adjudication and condemnation of prizes, as by his Majesty, his heirs and successors, with the advice of his or their privy council, shall be thought necessary or proper.

XXXIII. And whereas in all private ships of war or merchant ships that shall take out letters of marque, it is expedient for the better discipline and government of such ships, that all persons who shall enter themselves on board the said ships should be under proper regulations to pay obedience to the lawful commands of the captains and chief commanders of the said ships; be it therefore enacted by the authority aforesaid, That all offences committed by any officer or seaman on board any privateer or merchant ship taking letter of marque during the present war with France, shall be punished in such manner as the like offences are punishable on board his Majesty's ships of war.

XXXIV. Provided always, That all offenders who shall be accused of such crimes as are cognizable only by a court-martial, shall be confined on board such privateer or merchant ship carrying letter of marque on which such offence shall be committed, until they shall arrive in some port in Great Britain or Ireland, or can meet with such a number of his Majesty's ships of war abroad, as are sufficient to make a court-martial; and upon application made by the commander of such privateer or merchant ship carrying letter of marque, to the lord high admiral of Great Britain, or commissioners for executing the office of lord high admiral of Great Britain for the time being, or the commander in chief of his Majesty's said ships of war abroad, the said lord high admiral, or commissioners for executing the office of lord high admiral of Great Britain for the time being, or any three or more of them, or such commander in chief abroad, are hereby authorized and required to call a court martial for trying and punishing the said offences.

XXXV. And be it further enacted by the authority aforesaid, That the register or registers of all and every the court and courts of admiralty in any of his Majesty's plantations in America, or elsewhere in any other of his Majesty's dominions, shall yearly and every year upon the twenty third day of October, or within three calendar months next after the same, make out and transcribe true copies of all and every such letter and letters of attorney, as shall be so registered in the said court or courts, to which the judge and judges of the said court and courts shall affix his and their seal of office, and then the said register and registers shall transmit the same to the treasurer of the said royal hospital at Greenwich, to be there registered, and to be inspected by any person gratis; the charges of which copies, and affixing the seal or seals thereto, and transmitting the same to the treasurer of the said hospital, shall be paid by the said agent or agents at the time of making such registry as aforesaid; and in the expenses.

case such register or registers shall neglect or refuse to transcribe and transmit such copy and copies of the said letter and letters of attorney in manner aforesaid (any ship or ships in that time sailing from such port or place to any port or ports in *Great Britain*) such register and registers so neglecting or refusing, shall forfeit the sum of five hundred pounds, to be recovered by him or them who will sue for the same, by action of debt, bill, plaint or information, in any court of record in *Great Britain* or *America*, or in any other of his Majesty's dominions, or elsewhere, in which no escoin, protection or wager of law, or more than one imparlance shall be allowed.

The copies to  
be deemed e-  
vidence of the  
agency.

XXXVI. And for the more effectual making such letters of attorney evidence of the agency of the person or persons to whom the same shall be made; be it further enacted by the authority aforesaid, That true copies of such letter and letters of attorney, and of transcripts, under seal, transmitted by the said register or registers of the court and courts of admiralty in his Majesty's plantations in *America*, and elsewhere within his Majesty's dominions, and registered by the said treasurer of *Greenwich Hospital*, shall from time to time, and at all times hereafter, be good and sufficient evidence of the agency of the person or persons to whom such letter of attorney is or shall be made; and from time to time, and at all times hereafter, shall be admitted without further or other proof thereof, to be legal evidence, in all his Majesty's courts of record of law or equity; any law, custom or usage to the contrary thereof in any wise notwithstanding.

Agent not  
liable to be  
sued by run  
men in the  
King's service,  
till after three  
years;

unless the R's  
be sooner ta-  
ken off, and a  
certificate pro-  
duced,  
and the agent  
thereupon re-  
fuse to pay  
the prize or  
bounty mo-  
ney.

XXXVII. And be it further enacted by the authority aforesaid, That no agent or agents for prizes or bounty money shall be liable to be sued impleaded or arrested by any person or persons who shall be made run from his Majesty's service, in the lists to be duly certified of the names of the officers, seamen, marines, soldiers or others, who shall be actually on board any of his Majesty's ships of war at the taking of any prize or prizes, until the end of three months next after the expiration of three years limited by this act, for the claiming of prizes and bounty money, unless the person or persons so made run, shall before any action brought obtain a certificate of his or their R or R's being taken off, and the forfeiture of his or their shares of such prizes and bounty monies being discharged by the commissioners of his Majesty's navy who subscribed the said lists, and shall produce such certificate to the said agent or agents respectively; and unless the said agent or agents on the production of such certificate or certificates shall refuse to pay the said prize or bounty money (in case the same be due and payable according to the directions in his Majesty's declaration) within two months after any such demand made and such certificate produced.

XXXVIII. And whereas great numbers of ships of neutral nations may pass the seas laden with naval stores, intended to be carried to the ports of France, whereby his Majesty's enemies may not only be enabled

enabled and encouraged to fit out and arm privateers to destroy the Commissioners<sup>of the navy</sup> trade of his Majesty's subjects, but may also be supplied with materials to build and fit out ships of war to annoy and invade his Majesty's dominions: and whereas divers ships of neutral nations laden as stores<sup>may purchase, for the King's</sup> use, naval and the purchase of such naval stores laden on board such ships of neutral nations for the service of his Majesty, may in many cases be expedient without proceeding to the condemnation thereof; be it therefore further enacted by authority aforesaid, That it shall and may be lawful to and for the principal officers and commissioners of his Majesty's navy for the time being, or their officers or agents, during the continuance of the present war with France, to purchase on the account or for the service of his Majesty's heirs and successors only, all or any such naval stores as shall or may hereafter be brought into any of the ports of this kingdom by any of his Majesty's ships or vessels on board any such ships of neutral nations; and that the commissioners and officers of the customs for the time being shall and may permit and suffer such naval stores so purchased as aforesaid, to be entered and landed within any of the ports of this kingdom; any thing in an act of parliament passed in the twelfth year of his late majesty King Charles the Second (intituled, *An act for encouraging and increasing of shipping and navigation*) contained to the contrary thereof in any wise notwithstanding.

### C A P. XXXV.

*An act for the better recruiting of his Majesty's forces on the continent of America; and for the better regulation of the army, and preventing of desertion there.*

WHEREAS the speedy and effectual recruiting his Majesty's regiments of foot, and other land forces in North America, is in the present situation of affairs, of great importance to the security and defence of the British provinces and colonies: and whereas there are in several of the said provinces and colonies, great numbers of indentured servants, who may be willing to enlist as soldiers, in such of his Majesty's forces as now are, or hereafter may be, employed in the said provinces or colonies: but whereas doubts may arise, whether such indentured servants can be legally enlisted; for obviating whereof, may it please your Majesty, that it may be enacted, and be it enacted by the King's most excellent majesty by and with the advice and consent of the lords spiritual and temporal and commons<sup>in this present parliament assembled, and by the authori-</sup>ty<sup>of the same,</sup> That it shall and may be lawful to and for all or any of the officers of any of his Majesty's forces serving in America, to enlist as a soldier or soldiers, any such indentured servant or servants, in any of the British provinces or colonies on the continent of America, who shall be willing to enter and enlist in any of the said forces; any law, custom or usage to the contrary in any wise notwithstanding.

II. Provided nevertheless, That if the owner, proprietor or master objecting thereto,

Indentured ser-  
vants may be  
employed as sol-  
diers.

within six months; Servant to be restored, on returning the enlisting money; or satisfaction to be made him for servant's time.

No volunteer liable to process, unless for some criminal matter,

or unless for a real debt of the value of 10l. Oath of the debt to be made,

and marked on the process. Person arrested contrary here-to, to be set at liberty;

master of such indentured servant, shall object to the said servant's enlisting as a soldier, within six months after such enlistment, the officer enlisting such indentured servant, or the commanding officer of the regiment or company in which such indentured servant shall serve, at the time such objection is made shall either give him up to his said owner, proprietor or master, on receiving back the enlisting money; or shall pay such sum, as any two justices of the peace in the province or colony where the said owner, proprietor or master of such indentured servant, so enlisting as aforesaid doth reside, shall on application of either of the said officers, adjudge to be a reasonable recompence, to him the said owner, proprietor or master, in proportion to the original purchase-money given by the said owner, proprietor or master, for the said indentured servant, and to the time of service yet remaining to be performed in consequence of his indenture.

III. And to prevent any unjust or fraudulent arrests of soldiers, after they have enlisted in any of the said forces; be it further enacted by the authority aforesaid, That no person whatsoever who shall list and enter himself as a volunteer, in any of his Majesty's said forces, shall be liable to be taken out of his Majesty's service, by any process or execution whatsoever (other than for some criminal matter) unless for a real debt, or other just cause of action; and unless before the taking out such process or execution (not being for a criminal matter) the plaintiff or plaintiffs therein, or some other person or persons in his or their behalf, shall make affidavit before one or more judge or judges of the court, out of which such process or execution shall issue, or before some person authorized to take affidavits in such court, that to his or their knowledge the original sum, justly due and owing to the plaintiff or plaintiffs from the defendant or defendants, in the action or cause of action, on which such process shall issue, or the original debt for which such process or execution shall be issued out, amounts to the value of ten pounds sterling at least, over and above all costs of suit, in the same action, or in any other action, on which the same shall be grounded; a memorandum of which oath shall be marked on the back of such process or writ; for which memorandum or oath no fee shall be taken; and if any person so enlisting as a soldier in his Majesty's said forces, shall nevertheless be arrested contrary to the intent of this act, it shall and may be lawful for any judge or judges of such court, or any justice or justices of the peace of the province or colony in which such arrest shall be made, upon complaint made by the party arrested, by any of his superior officers, to examine into the same, by oath of third parties (which oath he or they are respectively hereby empowered to administer) or otherwise, and by warrant under his or their hand and seal, or hands and seals, to discharge such soldier so arrested or detained, contrary to the intent of this act, without paying any fee or fees, upon due proof made before him or them, that such soldier so arrested or detained, was legally enlisted as a soldier in his Majesty's service, and was arrested and detained

detained contrary to the intent of this act; and also to award to the party complaining such costs, as such judge or judges, ju- and costs a-  
lice or justices, shall think reasonable: for the recovery where- warded to the  
of, such party shall have the like remedy as the person who made complainant,  
the said arrest, or took out the execution, might have had for his costs, or as the plaintiff in the said action might have had for the recovery of his costs, in case judgment had been given for him with costs, against the defendant in the said action.

IV. And to the end that honest creditors, who aim only at Plaintiff may  
the recovery of their just debts, may not be hindered from suing ~~ite~~ a common  
for the same, but may be able to proceed in a more speedy and appearance.  
cheap method; be it further enacted by the authority aforesaid,  
That it shall and may be lawful to and for any plaintiff or plain-  
tiffs, upon notice first given in writing of the cause of action to such person or persons so enlisted, or left at his or their last place of residence before his or their enlisting, to file a common appear-  
ance in any action to be brought for or upon account of any debt whatsoever, so as to intitle such plaintiff to proceed therein to judgment and outlawry, and to have an execution thereupon, other than against the body or bodies of him or them so enlisted as aforesaid; this act, or any other law or statute to the contrary notwithstanding.

V. Provided always, That if any commission or noncom- Persons ac-  
mission officer or soldier, shall be accused of any capital crime, cutal of capi-  
or of any violence or offence against the person estate or proper- tal crim. &c.  
ty, of any of his Majesty's subjects, which is punishable by to be deliver-  
the known laws of the colony or province where such crime ed to the civil  
shall be committed; the commanding officer or officers of the magistrate,  
respective regiment, battalion, company or party, in his Ma- &c.  
jesty's service in America, is and are hereby required to use his  
and their utmost endeavours to deliver over such accused person to the civil magistrate; and shall be also aiding and assisting to the officers of justice in the seizing and apprehending such re-  
spective offender, in order to bring him to his trial; and if any such commanding officer shall wilfully neglect or refuse, upon application made to him for that purpose, to deliver over any such accused person to the civil magistrate, or to be aiding and assisting to the officers of justice in the apprehending such of-  
fender, every such officer so offending, and being thereof con-  
victed before any two or more justices of the peace for the pro-  
vince or colony, where the fact shall be committed, by the oath of two credible witnesses, shall be *ipso facto* cashiered, and utterly dis-  
abled to hold any civil or military employment in his  
Majesty's service; provided the said conviction be affirmed at the next quarter-sessions of the peace or gaol delivery, to be held for the said province or colony, and a certificate thereof be trans-  
mitted to the judge advocate, who is hereby required to certify the same to the next court-martial.

VI. And for preventing soldiers from deserting his Majesty's Justices may  
service, and encouraging the apprehending of deserters in the commit de-  
said province and colonies; be it further enacted by the autho- farters.

rity aforesaid, That it shall and may be lawful to and for the constable, headborough, tythingman, or any other civil officer, of the town or place where any person who may be reasonably suspected to be a deserter shall be found, to apprehend, or cause him to be apprehended, and to cause such respective person to be brought before any justice of the peace living in or near such town or place, who shall examine such suspected person; and if by his own confession, or the testimony of one or more credible witness or witnesses upon oath (which oath such justice is hereby empowered to administer) it shall appear that such person is a listed soldier, and ought to be with the regiment, company, or battalion, to which he belongs, such justice of the peace shall forthwith cause him to be conveyed to the gaol of the town or place where he shall be so apprehended, and transmit an account thereof, either to the commanding officer of the said regiment, battalion or company, or to the governor or commander in chief of the province or colony in which such deserter shall be apprehended, to the end such person may be proceeded against according to law; and the keeper of such gaol shall receive the full subsistence of such deserter or deserters, during the time he or they shall continue in his custody, for the maintenance of such deserter or deserters, but shall not be intitled to any fee or reward on account of the imprisonment of such deserter or deserters; any law or custom to the contrary notwithstanding.

Reward for taking up deserters.

VII. And for the better encouragement of persons to apprehend deserters, be it further enacted by the authority aforesaid, That the commanding officer of the regiment to which any such deserter shall belong, shall pay or cause to be paid, into the hands of such person who shall apprehend, or cause to be apprehended, any deserter from his Majesty's service, the sum of twenty shillings sterling money for every deserter that shall be so apprehended and committed.

Penalty on persons concealing deserters, or buying their arms, clothes, &c.

VIII. And for the more effectual preventing any person from harbouring deserters, or buying their arms, clothes or accoutrements, in the said provinces or colonies; be it further enacted by the authority aforesaid, That if any person shall harbour, conceal or assist, any deserter from his Majesty's service, knowing him to be such, each and every person so offending, shall forfeit for every such offence, the sum of five pounds sterling; and if any person shall knowingly detain, buy or exchange, or otherwise receive any arms, clothes, caps, or other furniture belonging to his Majesty, from any soldier or deserter, upon any account or pretence whatsoever, or cause the clothes to be changed, each and every person so offending, shall forfeit for every such offence, the sum of five pounds sterling, upon conviction, by the oath of one or more credible witness or witnesses, before any one or more of his Majesty's justices of the peace of the colony or province where the offence shall be committed, which said respective penalties shall be levied by distress and sale of the goods and chattels of such offender or offenders, by warrant under the hand or hands of such justice or justices

justices of the peace, and shall be applied one moiety to the informer, or person by whose means such deserter shall be apprehended, and the other moiety to the commanding officer of the troop or company to which such deserter or soldier shall respectively belong; and in case any such offender who shall be convicted of harbouring or assisting any such deserter or deserters, or of having knowingly received any arms, clothes, caps, or other furniture belonging to his Majesty, or of having caused the colour of such clothes to be changed, shall not have sufficient goods and chattels to answer the payment of the said respective penalties, or shall not within four days after conviction pay the same, that then and in every such case, such justice or justices of the peace shall ~~and~~ may by warrant under his or their hand and seal, or hands and seals, either commit such offender to the common gaol of the place where the offence shall be committed, there to remain without bail or mainprize, for any time not exceeding three months, or cause such offender to be publicly whipt.

IX. Provided always, That if any officer shall break open, or forcibly enter any dwelling-house or out-house to search for <sup>Penalty on</sup> ~~for~~ <sup>officer break-</sup>  
deserters, without a warrant from one or more justice or <sup>ing open house</sup>  
justices of the peace (which warrant such justice or justices are <sup>without war-</sup>  
hereby empowered to grant to a commission officer only) such <sup>rant.</sup>  
officer shall, for every such offence, forfeit the sum of twenty  
pounds sterling; to be recovered by any person or persons who  
shall sue for the same in any court of record in any province or  
colony on the continent of *America*.

X. Provided always, and it is hereby enacted by the authority aforesaid, That when and as often as any person or persons shall be enlisted as a soldier or soldiers in his Majesty's land forces on the continent of *America*, he and they shall within the space of four days, but not sooner than twenty four hours after such enlisting, be carried before the next justice of the peace for the county, city, or place, or the chief magistrate of any city or town of the province or colony where such person shall be so enlisted (not being an officer of the army) and before such justice or chief magistrate, he or they shall be at liberty to declare his or their dissent to such enlisting, and upon such declaration, and returning the enlisting money, and also each person so dissenting paying the sum of twenty shillings sterling for the charges expended or laid out upon him, such person or persons so enlisted shall be forthwith discharged and set at liberty in the presence of such justice or chief magistrate; but if such person or persons shall refuse or neglect within the space of twenty four hours to return and pay such money as aforesaid, he or they shall be deemed and taken to be enlisted, as if he or they had given his or their assent thereto before the said justice or chief magistrate; or if such person or persons shall declare his or their having voluntarily enlisted himself or themselves, then such justice or chief magistrate shall, and he is hereby required forthwith to certify under his hand that such person or persons

is or are duly inlisted, setting forth the place of the birth and calling of him or them respectively (if known) and that the second and sixth sections of the articles of war against mutiny and desertion were read to him or them, and that he or they had taken the oath mentioned in the said articles of war; and if any such person or persons so to be certified as duly inlisted, shall refuse to take the oath of fidelity before the said justice or chief magistrate, it shall and may be lawful for such officer from whom he has received such money as aforesaid, to detain or confine such person or persons until he or they shall take the oath before required; and every military officer who shall act contrary thereto, or offend herein, shall be forthwith cashiered and displaced from his office, and shall be utterly disabled to have or hold any military office or employment in his Majesty's service; and for every such offence, shall forfeit the sum of fifty pounds, to be recovered as any other penalty is by this act directed to be recovered.

Persons refusing the said  
refuse to be  
proceeded against, as if  
inlisted.

XI. And be it further enacted by the authority aforesaid, That if any person or persons shall receive the inlisting money from any officer (knowing it to be such) and shall abscond, or refuse to go before such justice or chief magistrate, in order to declare his assent or dissent as aforesaid; such person or persons shall be deemed and taken to be inlisted, to all intents and purposes whatsoever, and shall and may be proceeded against, as if he or they had taken the oath directed by the said articles of war to be taken before such justice or chief magistrate.

Commencement and con-  
tinuance of  
this act.

XII. And be it further enacted by the authority aforesaid, That this act, and every clause, article and matter therein contained, shall have continuance for the space of three years, from and after the twenty fifth of March one thousand seven hundred and fifty six, and from thence to the end of the then next session of parliament.

### C A P. XXXVI.

*An act for inclosing, by the mutual consent of the lords and tenants, part of any common, for the purpose of planting and preserving trees fit for timber or underwood; and for more effectually preventing the unlawful destruction of trees.*

Statute of  
Merton.

23 Ed. I. c. 46.

WHEN R EAS by the statute made at Merton, it was provided and granted, That lords of wastes, woods and pastures in which their tenants have common of pasture, referring to their tenants sufficient pasture, as much as belongeth to their tenements, with sufficient ingress and egress to the same, may approve the residue of such wastes, woods and pastures: and whereas by a statute made in the thirteenth year of the reign of King Edward the Third, commonly called The statute of Westminster the Second, it was ordained, That the said statute of Merton should hold place between lords of wastes, woods and pastures, and their neighbours, having common appurtenant therein; and provision is thereby made against casting down



may by consent, inclose any part thereof, for planting and preserving timber or underwood.

If any recompence be agreed to be given to the tenant, in what manner, the same is to be made, and applied.

If lords and tenants join in assigning their rights of inclosure to any other persons,

how recom-  
pence is to be  
made to the  
lord, if he  
have not the  
fee simple  
therein, or be  
disabled to  
alien.

and occupiers of such tenements, to inclose and keep in severality, for the growth and preservation of timber or underwood, any part of such wastes, woods and pastures, for such time, and in such manner, and upon such conditions, as shall be agreed by them respectively.

II. Provided nevertheless, and be it enacted by the authority aforesaid, That in case any recompence shall be agreed to be given for such inclosure, to or to the benefit of the owners and occupiers of tenements, to which the right of common in such wastes, woods and pastures doth belong, such recompence shall be made either by a grant of a share of the profit which shall arise from the sale of the timber or underwood growing on the ground or soil so inclosed, or by a grant of other lands, tenements or hereditaments; or by some annuity or rent-charge issuing out of the said ground or soil so inclosed, or out of other lands, tenements or hereditaments; or shall be paid in money, to be placed out at interest on publick securities, or laid out in the purchase of lands, tenements or hereditaments, or of some annuity or rent-charge issuing out of lands, tenements or hereditaments; and the produce of such lands, tenements or hereditaments, &c. with annuity or rent-charge, or the interest of such money, until the same shall be laid out in such purchase as aforesaid, shall be paid from time to time, to the overseers or overseer of the poor of the said parish or township, and shall be by them or him applied towards the relief of the poor of the parish or township where such wastes, woods or pastures shall lie, and accounted for in such manner as the rates for relief of the poor are by law directed to be accounted for; and in case the owner or owners of any such wastes, woods or pastures, and the major part in number and value of the owners and occupiers of the tenements to which such right of common doth belong, shall jointly agree to assign and grant their respective right and interest in any part of the said wastes, woods or pastures, for the purpose of making such inclosures as aforesaid, to any other person or persons, or body politicke or corporate; and the owner or owners of such wastes, woods and pastures, shall not have an estate in fee simple therein, or shall be disabled or restrained from alienating the same, the recompence to be paid to any such owner or owners, shall be either by a grant of a share of the profit which shall from time to time arise from the sale of the timber or underwood growing on the ground or soil so inclosed, or by a grant of other lands, tenements or hereditaments, or of an annuity or rent-charge issuing out of the said ground or soil so inclosed, or out of other lands, tenements or hereditaments; such equivalent to be held and enjoyed by the owner or owners of such wastes, woods and pastures, and such as shall be intituled to the same in reversion, remainder or succession, in like manner as the estate in such wastes, woods or pastures, is limited to be held and enjoyed; and in case the inhabitants of any parish or township, shall be willing

willing to acquire such right of inclosure, for the employment and benefit of the poor of the said parish or township, and any re-Parish willing compence shall be agreed to be given for the same, it shall and to purchase such right for, may be lawful for the overseer or overseers of the poor of such the employ- parish or township (by the consent and direction of the major ment of their part of the inhabitants thereof, assembled at a vestry or publick poor, meeting to be held for that purpose, publick notice being first given of such intended vestry or meeting, in the church or chapel belonging to such parish or township, on three Sundays at the least before such vestry or meeting shall be held) to pay or purchase such recompence out of any monies arising from the rates raised or to be raised, for the relief of the poor ; and Recompence out of such monies to pay from time to time, such charges and other expenses as shall be necessary for inclosing and preserving such grounds so inclosed ; and such overseers or overseer shall from time to time apply the profit which shall arise from the sale of the timber or underwood growing thereon, towardsthe relief of the poor of the said parish or township ; and shall account for the same in like manner as he and they is and, are by law obliged to account for the rates collected for the relief of the poor.

III. Provided always, That every agreement for any such inclosure shall be in writing, and signed by the parties, and the same shall be registered and inrolled by the clerk of the peace for the county, riding or division, where such wastes, woods or pastures, or the greater part of them shall lie, within three months next after the execution of such agreement.

IV. Provided also, and be it enacted, That it shall and may be lawful to and for all persons or bodies politick or corporate, who shall think themselves injured or aggrieved by such agreement, or for any persons in their behalf, within six months next after any such agreement shall be registered and inrolled in manner aforesaid, to make complaint thereof by appeal to the justices of the peace at any quarter-sessions to be held for the same county, riding or division, who are hereby authorized and required to hear and determine such appeal, and whose determination therein shall be final ; and if no such appeal shall be made, then the said agreement so registered and inrolled as aforesaid, shall be for ever binding to all persons whatsoever, without any further or other appeal.

V. And be it further enacted by the authority aforesaid, That Bodies politic, and may be lawful to and for all bodies politick or corporate, whether aggregate or sole, and all feoffees in trust, executors, administrators, guardians, committees or other trustees whatsoever, for and on the behalf of any infants, feme covert, lunatics, ideots or other persons whatsoever, and the husbands of feme covert, who shall be seised, possessed of or interested in, any such waste, wood or pasture, or any right of common in such wastes, woods or pastures, to agree to any such inclosure ; and all such agreements so made, shall be valid to all intents and purposes ; and such bodies politic or corporate, scors

fees in trust, executors, administrators, guardians, committees and other trustees and husbands of feme covert, shall be indemnified for what they shall so do by virtue of this act.

If any trees growing within such inclosures shall be unlawfully cut or destroyed,

Damages to be made good by the adjoining parishes; unless the offender be convicted within six months.

Offences to be determined by two justices, or at the sessions.

Penalty on conviction, the same as by 6 Geo. I. c. 16.

and persons unlawfully cutting or destroying trees on commonable grounds, to be in like manner convicted and punished.

Doubt arising on 9 Geo. I. c. 1, '00 viated,

VI. And be it further enacted by the authority aforesaid, That if any person, from and after the time hereby limited for bringing such appeal against any such agreement for the inclosure of any part of such wastes, woods or pastures, shall either by day or by night unlawfully cut, take, destroy, break, throw down, bark, pluck up, burn, deface, spoil or carry away, any trees growing within any such inclosure, without the consent of the owner or owners thereof, such owner or owners shall have such remedy, and have and receive such satisfaction and recompence of and from the inhabitants of the parishes, towns, hamlets, villages or places adjoining to such inclosures, and recover such damages against the inhabitants of such parishes, towns, hamlets, villages or places adjoining, and in the same manner and form as is directed for dikes and hedges overthrown by the said act made in the thirteenth year of the reign of King Edward the First, unless the offender or offenders shall be convicted of such offence within the space of six months next after the commission thereof.

VII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any two justices of the peace of the county, riding, division, city, town, liberty or place, wherein any such offence shall be committed, or for the justices of the peace for such county, riding, division, city, town, liberty or place, in open sessions, upon complaint to them made, to cause every such offender to be apprehended for such trespass, and to hear and determine the same, and to inflict the like penalty and punishment on every offender by them convicted, as is directed to be inflicted on offenders by an act made in the sixth year of the reign of his late majesty King George the First, intituled, *An act to explain and amend an act passed in the first year of his Majestys reign, intituled, An act to encourage the planting of timber trees, fruit trees, and other trees for ornament, shelter or profit; and for the better preservation of the same; and for the preventing the burning of woods; and for the better preservation of the fences of such woods.*

VIII. And be it further enacted by the authority aforesaid, That if any person from and after the first day of July one thousand seven hundred and fifty six, shall unlawfully cut, take, destroy, break, throw down, bark, pluck up, burn, deface, spoil or carry away any tree growing in any waste, wood or pasture, in which any person or persons, or body or bodies politick or corporate, hath or have right of common, every such offender shall and may be in like manner convicted of such offence, and shall incur the like penalty.

IX. And whereas by an act made in the ninth year of his late majesty King George the First, intituled, *An act for the more effectual putting wicked and evil disposed persons going armed*

armed in disguise, and doing injuries and violence to the persons and properties of his Majesty's subjects, and for the more easy bringing offenders to justice; it is amongſt other things enacted, That the inhabitants of every hundred within that part of Great Britain called England, shall make full satisfaction and amends to all and every person and persons, their executors and administrators, for the damages they shall have sustained or suffered by the cutting down or destroying any trees which shall be done or committed by any offender or offenders against the said act, to be recovered in manner as by the act is directed: and whereas doubts have arisen whether the provision made by the said act made in the ninth year of the reign of his said late Majesty, has not repealed and annulled the remedy given by the said acts of the first and sixth years of the reign of his said late Majesty: for obviating the said doubt; be it enacted by the authority aforesaid, That from and after the first day of July one thousand seven hundred and fifty six, it shall for damages and may be lawful for any person, or body politick or corporate, to take remedy for the before mentioned damages either against the parish, town, hamlet, vill or place, where any of the said offences shall be committed, according to the powers given by the said acts of the first or sixth years of his said late Majesty's reign, or on the hundred wherein any of the said offences shall be committed, as to such person, or body politick or corporate shall seem most meet; any thing in the said act made in the ninth year of the reign of his late Majesty to the contrary notwithstanding.

X. And be it further enacted by the authority aforesaid, That if any action shall be brought against any person for any matter or thing done by virtue or in execution of this act, the defendant or defendants in every such action shall and may plead General issue, the general issue, and give this act, and the special matter in evidence, on any trial to be had in such action; and if the plaintiff or plaintiffs shall discontinue such action, or become nonsuit, or if judgment shall be given against such plaintiff, then the defendant or defendants, in every such action, shall recover Treble costs.

### C A P. XXXVII.

*An act for regulating the proceedings in personal actions in the courts baron of the manors of Sheffield and Ecclesall in the county of York.*

WHEREAS the liberty or district of Hallamshire in the county of York is a large district, extending itself over the town and parish of Sheffield, and several other towns and parishes in the said county of York; and the most noble Edward duke of Norfolk, hereditary earl marshal of England, claimeth a franchise there, and to have the execution and return of all writs within the same, as being seized of the said liberty to him and th: heirs male of his body, with remainder to his nephew Thomas Howard of Norfolk esquire, and to the heirs male of the body of the honourable Philip Howard,

esquire,

esquire, his late father, deceased, with divers remainders over; and the said Edward duke of Norfolk is seized to him and the heirs male of his body, with the remainders, of and in the said manor of Sheffield; and the jurisdiction of the court baron belonging to the said manor of Sheffield, which has been usually held every three weeks from time immemorial, extends over all the parts of the said liberty, except over the hamlet or byerlow of Ecclesall: and whereas the most honourable Charles marquis of Rockingham, and Mary marchioness of Rockingham his wife, in the right of the said marchioness, or their trustees, are seized for some estate of freehold or inheritance of and in the manor of Ecclesall; and the jurisdiction of the court baron belonging to the said manor of Ecclesall, which has also been usually held every three weeks from like time immemorial, extends over the said hamlet or byerlow of Ecclesall, which is contiguous to the said town of Sheffield, and is within the said liberty of Hallamshire: and whereas from time immemorial plas has been held in the said several courts baron in all personal actions arising within the aforesaid several jurisdictions, where the debt or damages have been under forty shillings: and whereas a great manufactory of cutlery and other hard wares is now, and has been for some time carried on in the said town of Sheffield and the liberty of Hallamshire, whereby, and by the late increase of trade in the said town, and other parts of the said liberty or district of Hallamshire, the number of merc' ants, traders and artificers there is very great, and the said town and district are becoming daily more populous: and whereas, although justice hath for many years been administered in the said several courts baron in the most strict and impartial manner, yet the method of compelling debtors and other persons to appear to the actions which are commenced in the said courts baron, is in both the said courts by summons and distress infinite; which is a very dilatory, and often a very ineffectual method for that end; and by reason thereof, and also by reason of the expence which attends the prosecution of causes to judgment in the said courts, and often afterward, when such causes are removed up to some superior court, honest creditors are many times discouraged from attempting to recover the debts due to them, and thereby many evil-disposed persons, who have contracted small debts within the said liberty, are encouraged (though able) to refuse or delay the payment thereof, and do often set their creditors at defiance; therefore the inhabitants of the said places which so lie within the jurisdiction of the said several courts baron have applied to the said Edward duke of Norfolk, and Charles marquis of Rockingham, for their consent to some proper method for regulating the proceedings in, and amending the defects which so respectively attend the several jurisdictions of their said several courts baron, and for preventing all unnecessary delays and expences in the said proceedings, and for the providing among the several suitors of the said several courts baron, fit, able, discreet and indifferent homagors or jurors to try all issues which shall stand for trial in any plaint, suit or action to be depending in the said several courts, and the like fit, able, discreet and indifferent homagors or jurors for the finding of inquests and the taking of inquisitions upon processes which may issue out of or on any other proceedings which may

may be had in the said several courts, in nature of writs of inquiry of damages at the common law; which the said Edward duke of Norfolk, and Charles marquess of Rockingham, have readily consented to, so far as the same can be done without subverting or derogating from the jurisdictions of the said several courts baron, or prejudicing the same: wherefore may it please your most excellent Majesty, that it may be enacted, &c.

On plaint or suit entered for a debt or damage, not amounting to 40 s<sup>c</sup>. Application to be made to the steward of the court, to summon the defendant. Steward to issue his precept to the bailiff, who is to execute the same; and the defendant not appearing thereto, plaintiff may enter a common appearance, and proceed thereon. On issue joined, matter thereof to be tried by the suitors summoned. Defendant suffering an interlocutory judgment, and process of inquiry issuing thereupon, the suitors of the court to take the inquisition; steward upon application to summon witnesses, who are required to attend, and give evidence upon oath; witnesses not attending, or refusing to give evidence, may be amerced by the steward; to be assevered by the suitors, and applied to the injured party, and lord of the manor; and to be levied by distress and sale. For want of distress, offender to be committed. Defendant pleading otherwise than the general issue, and court declaring the same to be a mere dilatory, plaintiff may sign judgment for want of plea; or if after appearance entered, and declaration made, defendant shall not plead <sup>th</sup> eto, plaintiff may sign judgment by default; and a jury therupon shall be summoned to assess the damages and costs. Plaintiff not declaring upon the defendant's appearing, or not proceeding to trial, or being nonsuited, &c. Court to award defendant costs: plaintiff may notwithstanding renew his suit. Ten days notice of trial to be given, and copy to be left with the steward. Plaintiff not being resiant, is to bring before the steward some householder residing within the jurisdiction to enter into recognizance to prosecute with effect, &c. Plaintiff not procuring such recognizance, steward may forbear granting precept against defendant. If proceedings shall be had on such suit, without recognizance being first entered into, the suit to be discontinued, and plaintiff disabled to renew the same, till costs be paid. Recognizance to be entered on a double penny stamp. Defendants may pay the money into court, and plead the general issue. Upon issue joined and notice of trial, steward to issue precepts for summoning a jury of 24. Jurors names to be wrote on distinct pieces of paper, and rolled up and put into a vessel, and 12 of those present to be drawn, who are to be the jury, &c. Juror who has served six times in the same year, to be discharged upon his request from future service for that year. Precepts for summoning jurors to be issued five days before the sitting of the court. Jury to be continued during the sitting of the court. The names and proper addition of the jurors to be entered in the precepts. Where 12 of the jurors shall not appear, inquests may be taken by any 12 suitors. Steward of the court may amerce jurors for not attending. Americament to be assevered, and levied by distress and sale, and to be applied for the use of the lord of the manor. Proceedings or judgments of the court not removable, but to be final; (plaints in replevin excepted) All persons resiant within the jurisdiction may plead and be impleaded. Jurisdiction of the courts not extended by this act. Jurisdiction of the lords of the manors not prejudiced by this act. Proceeding of the court in real actions not altered by this act. Person attached paying the debt and fees, to be discharged. Execution not issuable on default of appearance of defendant, unless notice be given him of declaration. Persons affronting or disturbing the court while sitting, to be taken into custody; and may be fined, and committed for non-payment. Persons obstructing officer of the court in the execution of his office, to be fined. Fine to be assevered, and levied by distress and sale. Offender not being a householder within the jurisdiction, may be committed on non-payment. None allowed to practise in the courts, but such ~~admitted~~ admitted attorneys or solicitors of the courts.

Anno vicecento nono GEORGI II. C. 25. [1755.]

510

at Westminster. Stewards to hold their office at the pleasure of their lord. In cases of vacancy after barrister of three years standing to be appointed to the office of steward. Stewards to take an oath of office. Stewards may appoint deputies. Declaration to be made in court of deputy's name, &c. before his appointment. Lord of the manor to sign his approbation. Deputy to take an oath of office. In case of vacancy deputy to act till a new steward is appointed. Steward or officers of the court being sued, may plead the general issue, and have treble costs. Where any action shall be brought in any other court, for a debt recoverable in the courts baron, plaintiff to be nonsuited, and defendant to recover treble costs, unless the judge certify there was a probable cause for such action, &c. Plaintiff may afterwards sue in the court baron.

### C A P. XXXVIII.

*An act to enable the commissioners for building a bridge cross the river of Thames, from the city of Westminster to the opposite shore in the county of Surry, to purchase houses and grounds, and to widen the ways, and make more safe and commodious the streets, avenues and passages leading from Charing Cross to The two houses of parliament, Westminster Hall, and the courts of justice there, and Westminster Bridge, and to enable a less number of commissioners to execute the several acts relating to the said bridge, than at present are required by law; and for relief of George and James King, with regard to a lease taken by their late father from the said commissioners.*

**W**H E R E AS the commissioners for building a bridge cross the river Thames, from the Woolstaple, or thereabouts, in the parish of Saint Margaret in the city of Westminster, to the opposite shore in the county of Surry, are by virtue of several former acts of parliament passed in the reign of his present Majesty, or by virtue of some or one of them, empowered to make, open, design, assign and lay out such new ways, streets and passages, as they shall find proper to be opened and made on each side the river Thames, to and from the said bridge, the courts of justice, both houses of parliament, and the parts adjacent, and to agree for and purchase such houses and grounds as they shall find necessary for them to be possessed of, and to be removed, rebuilt, pulled down, or employed for those purposes, comprised within certain bounds and limits particularly mentioned and described in the said respective acts, or some or one of them and whereas the ways, streets, avenues and passages leading from Charing Cross in the parish of Saint Martin in the Fields, in the liberty of Westminster in the county of Middlesex, to The two houses of parliament, Westminster Hall, and the courts of justice there, and Westminster Bridge, might be rendered more open, safe and commodious, for the ease of passengers and the publick benefit, than they are at present, in case the said commissioners were enabled to open and widen the said last mentioned ways, streets, avenues and passages, and to purchase, pull down and remove such buildings, houses, grounds and estate (not comprised within the bounds or limits prescribed by any of the said former acts of parliament), as they should think proper

1756.] Aano vieti<sup>mo</sup> nono GEORGI<sup>II.</sup> c. 39.

and necessary for those purposes : wherefore for promoting a design so useful and beneficial to the publick ; may it please your most excellent Majesty, that it may be enacted, &c.

Commissioners empowered to widen the streets, &c. leading from Charing Cross to the two houses of parliament, &c. Commissioners may agree with the owners of buildings for the purchase of any grounds within the limits herein described, as they shall think necessary to be removed, &c. Commissioners to observe all such rules and directions in order for purchasing the several buildings, &c. as by any former acts passed in his present Majesty's reign, they are enabled to use and observe. All the powers mentioned in the former acts relating to the commissioners purchasing houses, &c. to be in force. His Majesty may convey buildings, &c. to the commissioners. Commissioners may sell any piece of ground. Act 18 Geo. 2. c. 29. to be in force, relating to the preserving of ways, &c. intended to be widened by this act. 10,000l. to be paid to the commissioners for purchasing of houses for widening the streets, &c. leading from Charing Cross to the two houses of parliament, &c. Commissioners to lay an account of the application of the 10,000l. &c. before both houses of parliament. In all cases where seven commissioners are empowered to put the former acts in execution, the same may be done by any five. Commissioners to accept a surrender of a building leate made by James King, in 1741, and to discharge James and George King from the same.

### C A P. XXXIX.

*An act for explaining, amending and rendering more effectual an act made in the twenty second year of his present Majesty's reign, intituled, An act for making a free market for the sale of fish in the city of Westminster ; and for preventing the forestalling and monopolizing of fish ; and for allowing the sale of fish under the dimensions mentioned in a clause contained in an act of the first year of his late Majesty's reign, in case the same are taken with a hook.*

**W**H E R E A S by an act made in the twenty second year of his 22Geo. 2. c. 49. Majesty's reign, intituled, An act for making a free market for the sale of fish in the city of Westminster ; and for preventing the forestalling and monopolizing of fish ; and for allowing the sale of fish under the dimensions mentioned in a clause contained in an act of the first year of his late Majesty's reign, in case the same are taken with a hook ; it is amongst other things therein enacted, That of any fisherman or other person or persons whatsoever natives or foreigners, should keep any fish at Queenborough, Gravesend, or other place or places, in any well-boat, store-boat, or any other manner whatsoever, so as not to sell off their whole cargo of fish within the space of eight days from their arrival on the British coast, between North Yarmouth and Dover, after their first arrival at the respective place or places as aforesaid, every person or persons so offending, and being thereof lawfully convicted by the confession of the party, or the oath of one or more credible witness or witnesses, should for ever<sup>1</sup> such offence forfeit the whole cargo of fish belonging to him, and also the vessel, with her tackle, apparel and furniture, to be levied<sup>2</sup> and sold by warrant under the hand and seal of any one or more of his Majesty's justices of the peace for the

respective county where the offence should be committed, which warrant or warrants the said justice and justices was and were thereby empowered and required to make, upon the information on oath of one or more credible witness, or witnesses (which oath the said justice or justices was and were thereby empowered and required to administer) and that the produce thereof should go and be applied, one moiety to the use and benefit of the informer or informers, and the other moiety to the poor of the parish where the offence should be committed: and whereas many difficulties have arose in putting the said act in execution, which have hitherto not only obstructed the establishment of the said free market at Westminster, but hath rendered ineffectual the other good purposes of the said act, and more particularly the preventing the forestalling and monopolizing of fish in general: and whereas as the said limited time of eight days for selling off the whole cargo of fish, as in the said act mentioned, is found too short, in consideration of the great distance between North Yarmouth and Dover, and the said towns of Queenborough and Gravesend, where the said store-boats and well-boats do usually lie to receive the fish from the fishing ships, as it may often happen, that from the common accidents of wind and weather so much of the said time may be spent from the time of their first arrival, before the said vessels can afterwards arrive at the said places for unloading their said cargoes into the said store-boats or well-boats, and for sale thereof, that the said fishermen may unavoidably incur the penalty in the said act mentioned for not selling off their whole cargoes within that time, and for that the fishermen and others employed in the lobster fishing or lobster trade, do require an enlargement of the time for selling off their cargoes, after their arrival in the said river of Thames, the said limited time of eight days not being sufficient for that purpose: and whereas for the rendering more effectual the good ends and purposes of the said act, it is necessary that a proper officer be appointed to inspect and search the said fishing vessels, and the said store-boats and well-boats, for the better discovery of such persons who shall make default in selling off their cargoes within the times limited for that purpose, as it may be also very difficult, from the great extent of the said limits appointed for the first arrival between North Yarmouth and Dover, to ascertain such arrival, so as duly to bring the offenders therein to justice, without a continual inspection: and whereas it is also necessary for the purposes aforesaid to empower the several mayors of Queenborough and Gravesend, and any other persons acting as justices, who are members of the said corporations, and any other his Majesty's justices of the peace between the said towns and the cities of London and Westminster, to act as justices in levying the penalties in the said act, as well as such justices of the peace for the respective county where the offence is committed: and whereas by the said recited act it is enacted, That the several kinds of fish therein particularly named and mentioned, may be exposed to sale or exchanged for other goods, provided such fish are taken with a hook, and so not fit or capable of being preserved alive, although the said fish should be under the dimensions prescribed by an act passed in the reign of his late majestie, intituled, An act for the better preventing fresh fish taken by strangers being imported into

into this kingdom ; and for the preservation of the fry of fish ; and for the giving leave to import lobsters and turbet in foreign bottoms ; and for the better preserving of salmon within several rivers in that part of this kingdom called England ; in the said recited act mentioned ; which liberty was so allowed, that the market might be the more plentifully supplied with such sorts of fish, and that the publick might be served therewith at more reasonable rates : and whereas such liberty hath not been attended with such good effects as was expected, for that the markets being supplied with such smaller fish, doth enhance the price of the largest sort, and under colour of the said recited act under sized fish are sold, through not taken with a hook, which may tend greatly to the destruction of the fry of fish, and consequently the said fishery in general for such kinds of fish ; and that it will be more for the benefit and service of the publick to revive the said restraint for the preservation of the fry and smaller sort of such fish, and not to permit the sale or exchange of such several kinds of fish so caught with a hook under the dimensions in the said last recited act mentioned : and whereas for such several purposes, as well as for others herein after mentioned, it is become necessary to explain and amend the said act ; may it therefore please your most excellent Majesty, that it may be enacted, and be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same,

That if any fisherman or any other person or persons whatsoever, master or owner of any fishing ship, sloop, smack or fishing vessel coming from sea, or other person having the conduct of such the supply of fishing ship, sloop, smack or fishing vessel, natives or foreigners, London and employed either in catching, bringing or vending of fish for the Westminster supply of the cities of London and Westminster, shall break bulk or breaking bulk, make sale of their fish, or any part thereof, between Harwich and the Nore, or between Margate and the Nore, to any person or persons to sell again, or shall not enter their ship, sloop, smack or fore their arrival in the other fishing vessel, at such place or places, and within such time, river, or not as herein after mentioned, or shall keep any shell fish or other entering their fish whatsoever in such their ship, sloop, smack or other fishing vessel or vessels, or in any well-boat or store-boat, after telling twice such their arrival, so as not to sell off their whole cargo of fish within eight days, within the space of eight days, to be reckoned from the day of such their arrival at the Nore as aforesaid, and thereof shall be convicted before one or more of his Majesty's justices of the peace for the counties of Kent or Essex, or before the mayor, recorder or such aldermen for the time being, who have power to act as justices of the peace within the corporations of Queenborough or Gravesend, on his, her or their own confession or confessions in writing under his, her or their hand or hands, or on the oath of one or more credible witness, or witnesses, which conviction shall be final and without any appeal whatsoever, such ship, sloop, smack or fishing vessel, boat, store-boat, or other boat into which the said fish, or any part thereof, shall be unloaded or delivered, with all tackle, apparel and furniture to

Penalty, how  
to be levied.

the same belonging, together with the whole cargo of such fish, shall be forfeited by the owners thereof, and disposed of as hereafter mentioned; such forfeitures to be levied by distress and sale by warrant under the hand and seal of any one or more of his Majesty's justices of the peace within the said counties of *Kent* or *Essex*, or of the said mayor, recorder or aldermen acting for the time being as magistrates within the towns of *Queenborough* and *Gravesend*, or such mayor, recorder or aldermen of any other corporate town between the said towns of *Queenborough* and *Gravesend* and the city of *Westminster* as aforesaid; which warrant or warrants the said justice or justices, mayors, recorders or aldermen, is and are hereby impowered and required to make and issue accordingly, and to be directed to the high constable, petty constable, headborough or tithingman of either of the said towns of *Queenborough* or *Gravesend*, or any other towns as aforesaid near unto where any such offences shall be committed, or where such ship, sloop, smack or fishing vessel, boat, store-boat or other boat shall then be, to take and seize the same, and sell and dispose thereof within fourteen days accordingly; and one moiety or half part of the produce of such sale, after reasonable charges deducted, shall go and be paid to the informer or informers, as the said justices shall appoint, and the other moiety to the trustees appointed to put the said recited and this present act in execution, to be placed by them, or aby five or more of them, or their order, to the general account of surplus of profits arising from the fish market, in the said recited act mentioned, and to be appropriated as the said surplus in the said is directed; any thing in the said act contained to the contrary notwithstanding.

12 days allow-  
ed for the sale  
of lobsters.

II. Provided nevertheless, That in case any such fishing vessel is freighted or loaded with lobsters, or whose part-loading may be made up with lobsters, and the fishermen or other person or persons whatsoever, natives or foreigners, who shall be owners of such lobsters or have the power to sell or dispose of the same, shall sell off her whole cargo of such lobsters within twelve days after the arrival of such vessel at the place or places herein before appointed for that purpose, and in all other respects conform to the directions of the said recited and this present act; then and in such case the sale of the whole cargo of such lobsters shall be and is hereby declared to be as good a sale thereof, as if such sale had been completed and made within the said limited time of eight days before mentioned.

Fishing vessels  
may remove  
their cargoes  
before their  
arrival at the  
Nore, so as not  
to make sale  
thereof.

III. Provided also nevertheless, That it shall and may be lawful to and for every such fisherman or other person or persons whatsoever, master or owner of any fishing sloop, smack or fishing vessel coming from sea, and to and for every other person or persons having the conduct of any such fishing ship, sloop, smack or fishing vessel as aforesaid, and they are hereby impowered at any time and times, and as often as need shall be or require, during their respective voyages at sea, and before their arrival at the Nore, to shift and remove any part of their car-

goes

goes of fish into any other ship, sloop, smack, vessel or vessels, for the ease of their wells, the preservation of their fish, and the better separating such as are dead, dropt or sickly, from those which are sound and healthy; so that no part of such cargo of fish be sold or disposed of, until their arrival at or above the *Nore* as aforesaid; any thing herein before contained to the contrary notwithstanding.

IV. Provided also nevertheless, That it shall and may be lawful to and for any fisherman or owner of any pater-boat, or &c. employed other small fishing vessel used and employed for serving and sup-<sup>plying</sup> for serving the inhabitants of any city, town or village, or the towns, &c. neighbourhood thereof, on or near the banks of the said river, between the mouth of the said river and the said towns <sup>or</sup> ~~of~~ the river, <sup>near the banks</sup> Queenborough or Gravesend, to sell or dispose of their fish in such manner as hath been heretofore used, in case such ~~hath~~ <sup>or</sup> fish-<sup>ing</sup> vessels are only used and employed for ~~the~~ consumption of such fish within such city, towns or villages, and the inhabitants thereof, or of the neighbourhood thereof.

V. And be it further enacted by the authority aforesaid, That the trustees for putting the said former and this present act in execution, or any nine or more of them, shall and may, by writing under their hands and seals, appoint one or more fit person or persons, to be called *The inspector, or Inspectors of the fishing vessels*, to inspect and search all and every fishing vessel and vessels, well-boat or store-boat, well-boats or store-boats, belonging to any fisherman, or other person or persons whatsoever, natives or foreigners, at any time after the arrival of any fishing vessel at the *Nore*, or in any part of the river *Thamus* between the *Nore* and *Billinggate Dock*, to examine and take account, as well of the arrival of such vessel or vessels within the said limits, as of the time of selling the whole cargo of fish, brought in such vessel, and of the breaking bulk, and unloading such vessel, and shifting the cargo, or any part thereof, into such well-boats or store-boats, and of the delivery or selling off such cargo, in such manner as directed by the laid recited or this present act; and remove such officer or officers at their pleasure; which inspector or inspectors, when so appointed, is and are hereby authorized and impowered to enter into, inspect and examine such fishing vessels, well-boats and store-boats accordingly; and all and every such person or persons on board the said vessels are hereby required to give to the laid inspector such account thereof, according to the best of their knowledge; and in case any person or persons, being the master, owner or owners of such vessel or vessels, or their cargo, or any of their agents or servants, or other person or persons there found as aforesaid, shall refuse to give such account, or shall molest, obstruct, or otherwise hinder such inspector or inspectors in the execution of his or their said office, or prevent or endeavour to prevent any person or persons on board such vessel or vessels, him in his boat or barge, from giving account as aforesaid, every such person so offending, being thereof lawfully convicted before one

or more of his Majesty's justices of the peace, as in this act particularly described as aforesaid, by the confession of the party, or on the oath of one or more credible witness or witnesses, shall for every such offence, forfeit and pay the sum of ten pounds, to be recovered and applied in the same manner as the other penalties in this act.

VI. And for the support and maintenance of such necessary officer or officers, whereby the good purposes of the said recited and this present act may be effected, and the forestalling and monopolizing of fish in general prevented, and to defray such charges as may attend the execution of his or their office, as hereafter mentioned; be it enacted by the authority aforesaid, That from and after the twenty fourth day of June one thousand seven hundred and fifty six, there shall be paid to his Majesty's searcher or searchers at Gravesend, for the certificate of the entry of the arrival of any such fishing ship, sloop, smack, or other vessel or vessels as aforesaid, the sum of two shillings, to be paid and applied in manner following, that is to say, There shall be kept and retained by and to the use of the said searcher or searchers, for making out such certificate, six pence; and the remaining one shilling and six pence is hereby vested in the said trustees, and shall be paid by such searcher or searchers, from time to time, to the said trustees, or such other person or persons, as the said trustees, or any five or more of them, shall by writing for that purpose, under their hands and seals, direct and appoint, whose receipt shall be, and is hereby declared to be, at all times, a full discharge to such searcher or searchers for the same, which said payment of one shilling and six pence on each fishing vessel as aforesaid, shall be applied by the said trustees, or any five of them, in the first place, to pay such inspector or inspectors of the fishing vessels for his or their said service, and for the charges of a boat, such yearly sum as the said trustees, or any nine of them, shall think it fit and reasonable for such service; and if any surplus arises, over and above, then to apply such surplus in the same manner as the surplus arising from the tolls and duties of the said recited act are directed to be applied.

Master to give notice within three days of his vessel's arrival at the Nore, to the searcher at Gravesend;

Entry to be made thereof and a certificate given.

VII. And be it further enacted by the authority aforesaid, in order the better to discover any offenders against this act, That the master, owner, chief officer or mariner, who shall have the care or conduct of any such fishing ship, sloop, smack, or other vessel or vessels, made use of for the catching or importing of fish as aforesaid, shall within three days after the arrival of such fishing ship, sloop, smack, or other vessel or vessels at the Nore as aforesaid, truly report the time of such arrival to his Majesty's said searcher or searchers, at their office at Gravesend, or to the chief officer of his Majesty's customs there, who is hereby directed and required to take notice of, and enter the same in a book to be kept for that purpose, and to give a certificate thereof to such master, owner, chief officer or mariner, belonging to the said fishing ship, sloop, smack, or other vessel.

VIII. And

VIII. And the better to prevent the removal of the said fishing vessels and cargoes out of the limits of the county, city and liberty, or town corporate, where the offence shall be committed; before such distress can be made, whereby the effect of such convictions as aforesaid may be defeated; be it enacted by the authority aforesaid, That it shall and may be lawful to and for the high constable, petty constable, headborough or tythingman, of *Queenborough*, *Gravesend*, or any other towns being corporations, or of any county, city or liberty, to whom such warrant of distress shall be directed, to execute the same in any part of the river *Medway* or river *Thames*, or any creek or water thereof between the *Nore* and the city of *Westminster*; and that such warrant or warrants, or other act or acts of the said mayors, recorders, aldermen, or such justice or justices of the peace, and the act or acts of the constable, headborough, tythingman, or other person or persons, in obedience to such warrant or warrants, shall be as valid, good and effectual in law, to all intents and purposes, as if the same were executed within the proper limits of their own town, liberty, precinct or jurisdiction.

IX. And be it further enacted by the authority aforesaid, That, if any fisherman, fishmonger, or other person or persons shall sell, or expose to sale, in any house, shop, stall or standing, any fish of any kind whatsoever, within five hundred yards of the said free fish market, appointed to be held in the city of *Westminster*, or the bounds or limits of such ground as hath been appointed or assigned by or by virtue of the said recited act for holding the same, without the licence and consent of the said trustees appointed or to be appointed to put the said recited and this present act in execution, or any five or more of them, in writing under their hands and seals first had and obtained for that purpose, such fisherman, fishmonger, or other person or persons, shall for every such offence, forfeit the sum of five pounds; to be paid on the conviction of such offender, before any two or more of his Majesty's justices of the peace for the said city and liberty of *Westminster*, on the confession of the party, or on the oath of one or more credible witness or witnesses who shall prove the same, and this without further appeal, with power nevertheless to such justice or justices of mitigating the same; and on refusing payment on such conviction, then such justice or justices, or any other of his Majesty's justices of the peace, shall and may grant their warrant of distress, to levy the same upon such offenders goods and chattels, and divide the sum wherein such offender shall so stand convicted, as follows; to wit, one half to the informer, and the other half to the trustees appointed in and by the said recited act, to be applied to the same use as the surplus monies arising by the profits of the market are in and by the said recited act directed to be paid and applied.

X. And whereas the inhabitants, for the greater accommodation of the inhabitants of *Westminster* in resorting to the said fish mar-

Warrant of  
distress may  
be executed in  
any part of  
the rivers  
*Medway* or  
*Thames*, &c.

s. l. penalty on  
selling or ex-  
posing to sale  
any fish within  
500 yards of  
the fish mar-  
ket, without a  
licence.

Justice may  
mitigate the  
penalty.

Application of  
the penalty.

leafe granted  
to Richard  
Hughes.

*ket, have granted a leafe to Richard Hughes, of part of the aſſigned ground for holding the ſaid fish market, wherin the ſaid Richard Hughes bath builte eight houſes, with conueniences fit for fishmongers to ſell fish by retail: and whereas the ſaid Richard Hughes is reſtrained by the ſaid leafe from letting the ſaid houſes to any other than fishmongers, wherby ſeveral of the houſes are uninhabited, and great loſs hath accrued to the ſaid Richard Hughes thereby, and ſtill further loſs may accrue to the ſaid Richard Hughes, in caſe he ſhall be obliged ſtrictly to comply therewith; and even ſuch fishmongers who may ſettle there are in danger of incurring the penalties againſt regrators, ſhould they expoſe to ſale again in their ſhops, any fish bought by them at or in the ſaid free fish market; be it enacted by the authority aforesaid, That it ſhall and may be lawful for the ſaid trustees, or any nine of them, by any writing under their hands and ſeals for that purpoſe, as they may ſee occaſion, to diſpene with ſuch reſtraint, and to defeazance the covenant of the ſaid Richard Hughes in that reſpect, ſo far as it reſpects to two end houſes of the ſaid eight houſes; the claue in the ſaid recited act, whereby the commissioners for building a new bridge croſs the river Thameſ, from the New Palace Yarid in the city of Westminſter, to the oppoſite ſhore in the county of Surry, are at thoſe authorized and impowered to grant the ground therein mentioſ, to be made uſe of for holding the intended market in the ſaid act mentioned, or any other claue in the ſaid recited act notwithstanding; and that it ſhall and may be lawful to and for any fishmongers holding ſhops for the ſale of fish in any of ſaid eight houſes, to ſell and expoſe to ſale any fish whatever in their ſaid ſhops, although they ſhall have bought the ſame in the ſaid free fish market at Westminſter.*

Fishmongers  
indemnified  
for ſelling in  
their ſhops fish  
bought in the  
market.

XI. And whereas William Hanington fishmonger hath, at a conſiderable expence, purchased and fitted up for the carrying on his trade and buſineſſ, a certain meſſuage or tenement ſituate in Bridge Street in the city of Westminſter, and within the diſtance of five hundred yards from the ſaid free fish market, and will be a great ſufferer if he ſhould be reſtrained from carrying on and exerciſing his ſaid trade and buſineſſ in the ſaid houſe, without receiving a proper recompence and ſatisfaction for ſuch damages and expences as he may thereby sustain and be put unto; be it further enacted by the authority aforesaid, That the laid trustees, or any five or more of them, ſhall be, and are hereby authorized, directed and impowered, to pay to the ſaid William Hanington, his executors or administrators, before Michaelmas Day next, the ſum of two hundred pounds, being a proper recompence and ſatisfaction for the loſs, damages and expences, he may ſustain or be put unto as aforesaid.

Trustees to  
pay William  
Hanington  
200l. in lieu  
of damages  
for being re-  
ſtrained from  
ſelling fish  
within a cer-  
tain diſtance  
of the mar-  
ket.

Hanington  
exempted  
from penalty  
of ſelling fish  
near the mar-  
ket, until the

XII. And be it further enacted by the authority aforesaid, That the ſaid William Hanington ſhall not be ſubject or liable unto any the penalties or forſeitures inflicted by this act on ſuch person and persons as ſhall ſell, or expoſe to ſale, in any houſe, houſes, ſhops, ſtalls or ſtandings, any kind of fish whatſoever, within

within five hundred yards of the said free fish market, until <sup>200 l.</sup> be paid Michaelmas Day next, and until such time as the said sum of two hundred pounds shall be paid unto him as is herein directed to be paid as aforesaid; any thing herein contained to the contrary thereof in any wise notwithstanding.

XIII. And whereas the said trustees appointed by the said recited act were impowered and authorized by the said act, to assign over the tolls and duties made payable thereby, as a security for such sum or sums of money, as the said trustees might have occasion to borrow to discharge the expences of laying out, making and erecting a commodious place for the said market, and other necessary expences that should attend the execution of the said act: and whereas the said tolls and duties have not produced any sum or sums sufficient in any wise to pay or discharge the principal or interest-money borrowed by the said trustees, upon the said tolls and duties, and they have power ~~and authority~~ only to apply the money that shall arise by such tolls and duties, in paying the same; be it therefore further enacted, That it shall and may be lawful to and for the said trustees, or any seven or more of them, from time to time, at a publick meeting to be held by them for that purpose, by any writing under their hands and seals, to assign over all or any annual or other rent or rents, ~~lawn~~ or sums of money, profit or produce whatsoever, which have been or may be, reserved or made payable, in or by any grant, lease, contract or agreement, made or to be made, by and between the said trustees, and any person or persons whatsoever, for the ground and premisses assigned by virtue of the said recited act, for holding the said fish market, or any part of such ground and premisses, or from, by, or out of, any building or erection, buildings or erections, thereon erected and built, or to be erected and built, as a security for such sum or sums of money, as the said trustees shall have occasion to borrow, for the purposes of the said recited and this present act, to such person or persons who shall advance and lend the same, to secure the payment thereof, with such interest as shall be agreed upon, not exceeding five pounds *per centum per annum*; and the said trustees shall apply the money which they shall so borrow, to the discharge of such debts, as have been contracted by the said trustees, in executing the said recited act, and in paying to the said William Hanington, his executors or administrators, such sum of two hundred pounds as aforesaid; and for such uses, intents and purposes, as the said trustees, or any number of them, are impowered by this or the said recited act, to apply such monies as might arise by such tolls and duties as aforesaid; any thing in the said act to the contrary notwithstanding.

XIV. And be it further enacted, That so much of the said recited act, as gives allowance or liberty for the exposing to sale, or exchanging for any other goods, any of the several kinds of fish therein described, and under the dimensions as are prohibited by the statute in the said recited act for that purpose, and herein before mentioned, in case the same are taken with a hook,

Trustees may assign over any reserved rents, or profits, as a security for any money they shall borrow on this or the recited act.  
Application of the monies borrowed.

and so not fit or capable of being preserved alive, be repealed, and the same is hereby repealed accordingly; the said recited act, or any clause, matter or thing therein contained to the contrary in any wise notwithstanding.'

**Penalties payable by the recited act to the poor of the parish, to be paid for the future to the trustees, and to be applied in putting out apprentices.**

**Trustees of the former act, to put this act in execution, &c.**

**Limitation of actions.**

**General issue.**

**Treble costs.**

XV. And be it further enacted by the authority aforesaid, That such part of the penalties which by the said recited act, are to be paid to the poor of the parish where the offence is committed, be paid to the trustees mentioned in the said recited act, or such person or persons as they, or any five of them shall appoint, to the increase of the surplus of the tolls and profits thereby appropriated to the putting out of apprentices to fishermen, masters of ships, or some other person or persons employed in the sea service; any thing in the said recited act to the contrary thereof notwithstanding: and further, That all and every trustee appointed and to be appointed under the authority of the said recited act, shall and are hereby empowered to execute this, as well as the said recited act; and all and every the clause and clauses contained in the said recited act, shall stand in full force, except such parts thereof as are altered by this present act.

XVI. Provided always, and be it further enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons, for any thing done in pursuance of this act, every such action or suit shall be brought within six months next after the fact committed, and not afterwards; and shall be laid or brought in the county or place where such offence shall be committed, and not elsewhere; and the defendant or defendants, in every such action or suit so to be brought, shall and may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this act; and if it shall appear so to have been done, or that such action or suit shall be brought after the time limited for bringing the same as aforesaid, that then the jury shall find for the defendant or defendants; and upon such verdict, or if the plaintiff or plaintiffs shall become nonsuited, or discontinue his action, after the defendant or defendants shall have appeared; or if upon demurrer judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have such remedy for the same, as any defendant or defendants hath or have in any case by law.

### CAP. XL.

*An act to improve, widen, and enlarge the passage over and through London Bridge.*

WHEREAS the passage over and through London Bridge is very dangerous and inconvenient, and it is absolutely necessary immediately to widen and enlarge the same, and the widening and enlarging the said bridge, and one or more of the arches thereof, will be of publick utility, of great benefit to trade and commerce, make the

the navigation upon the river Thames more safe and secure, and greatly tend to the preservation of the lives of his Majesty's subjects passing over and through the said bridge: and whereas in order to the same, it is necessary that the houses, edifices, and buildings on the said bridge, and some houses and edifices contiguous thereto, should be taken down and removed: may it therefore please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That the mayor, aldermen and commons of the city of *London*, in common council assembled, shall with all convenient speed after the twenty fourth day of June one thousand seven hundred and fifty six, contract and agree for the purchasing (if they can) of all houses, tenements, edifices, erections and buildings, now standing or being on the said bridge, or contiguous or adjoining thereto (which do not belong to the mayor and commonalty and citizens of *London*) which the said mayor, aldermen and commons, in common council assembled, shall judge necessary to be taken down and removed, for the enlargement and improvement of the passage over, and the avenues leading to and from the said bridge; and that upon payment of such sum or sums of money as shall be agreed to be paid for the same, and in case no agreement shall be made for the same, on making satisfaction in manner herein after mentioned, to all owners of, and persons interested in such houses, tenements, edifices, erections and buildings, not belonging to the said mayor and commonalty, and citizens of *London*; and to the lessees and occupiers of all houses or tenements which shall be ordered or deemed necessary to be taken down, and of all ground which shall be deemed necessary to be laid to the said bridge for the enlargement thereof; the said mayor, aldermen and commons, in common council assembled, are hereby authorized and required with all convenient speed, afterwards to cause to be taken down all such houses, tenements, edifices, erections and buildings, and also such houses, tenements and buildings on and contiguous to the said bridge, which belong to the said mayor and commonalty and citizens, as the said mayor, aldermen and commons, in common council assembled, shall deem necessary and proper to be taken down for the purposes aforesaid; and also to cause the materials thereof to be removed and taken away, after any such houses, tenements, edifices, erections and buildings shall be taken down; and likewise to widen or enlarge one or more of the arches of the said bridge, as the said mayor, aldermen and commons, in common council assembled, shall from time to time judge necessary and direct; and this act shall be sufficient authority to indemnify them and all persons authorized by them for so doing, as well against the said mayor and commonalty and citizens, as against the heirs, executors, administrators and assigns, of all and every owner of, and all other persons interested in any such houses, buildings and ground, and the lessees

The mayor,  
and common  
council, are  
impowered to  
purchase and  
remove the  
buildings on  
and contigu-  
ous to, the  
bridge,

lessees and occupiers thereof, as if the same had been sold by deed of feoffment, bargain and sale, or other assurance in the law whatsoever.

and to design how the passage may be rendered more safe and commodious, and the bridge preserved.

II. And be it further enacted by the authority aforesaid, That the said mayor, aldermen and commons, in common council assembled, shall also, from time to time, design, assign, and lay out how and in what manner, and with what materials, the passage over and through the said bridge shall be widened, enlarged, and rendered more safe and commodious, and how the same, and the said bridge, may, and shall, from time to time, be preserved and kept in good repair and order, and shall make contracts, and do all other matters and things requisite for carrying on, ~~and~~ <sup>and</sup> the purposes directed by this act to be done, and for bringing the same to be effectually perfected, as to them shall seem meet.

A ballustrade to be erected on each side of the bridge;

and a passage of 31 feet to be opened for carriages, and of seven feet for foot passengers.

Lamps to be set up,

to be kept lighted from sun-setting to sun-rising;

and a watch to guard the bridge;

to be defrayed out of the bridge estate.

III. And it is hereby further enacted by the authority aforesaid, That the passage over the said bridge shall be secured and preserved by a proper and uniform ballustrade to be erected on each side thereof, and that the said passage shall be forty five feet wide, if it will admit thereof, and laid out in manner herein after-mentioned; that is to say, The passage for carriages, horses, and other cattle, shall be thirty one feet wide; and the foot-ways for passengers on each side of the said bridge, shall be seven feet wide; and the said passage shall be made and continued safe and commodious in all respects, by such ways, and in such manner, as the mayor, aldermen and commons, in common council assembled, shall order or direct.

IV. And be it further enacted by the authority aforesaid, That such convenient and sufficient number of glaies lamps, of such sort and fashion, and put up in such parts and places of the said bridge, as to the said mayor, aldermen and commons of the said city, in common council assembled, shall seem meet and expedient, shall be with all convenient speed, after the said bridge shall be widened, enlarged and repaired, in manner as herein before is directed, erected and fixed upon proper parts or places of the said bridge; and the same shall yearly and every year be kept lighted and burning from sun-setting to sun-rising throughout the year; and that the said mayor, aldermen and commons, in common council assembled, shall from time to time, after any houses on the said bridge shall be taken down in pursuance of this act, nominate and appoint such a number of able-bodied watchmen as they shall judge necessary and proper to be kept upon the said bridge, for the safety and protection of persons passing over the same, which watchmen so to be appointed, shall be subject to such rules, orders and directions, as shall from time to time be made by the said mayor, aldermen and commons, in common council assembled, and removable at their will and pleasure, and the expence of buying and erecting of such lamps or lights, and also the yearly charges of supplying, maintaining and repairing the same, and the charges and

and expences of watching the said bridge, shall be borne and paid out of the estate and revenues belonging to the said bridge.

V. And be it enacted by the authority aforesaid, That if any person or persons shall, from and after the erecting and placing the said lamps, wilfully or maliciously break, throw down, or extinguish any lamp that shall be set up to light the said bridge, or wilfully damage the posts, irons, or other furniture thereof, every person so offending therein, and being thereof convicted by the oath of one or more witness or witnesses, before one or more justice or justices of the peace for the city of *London*, or the borough of *Southwark*, or the county of *Surry*, as the case may happen, shall be subject to such pains, penalties and forfeitures, as are inflicted by an act of the seventeenth year of ~~King~~<sup>Majesty</sup>, intituled, *An act for making more effectual provision for enlightening the streets of the city of London.*

VI. And for the preventing wilful and malicious damaging or destroying the said bridge, or any part thereof, or hindering or interrupting the repairing thereof, or the widening and enlarging the passage over and through the same; be it enacted by the authority aforesaid, That if any person or persons shall unlawfully, wilfully, and maliciously blow up, pull down or destroy the said bridge, or any part thereof, or remove, destroy or take away, any works which now do or shall belong thereto, or in any wise direct or procure the same to be done, whereby the said bridge or the works thereof shall be damaged, or the lives of passengers endangered, every such offender or offenders, being lawfully convicted thereof, shall be adjudged guilty of felony, and shall suffer as a felon.

VII. And be it enacted by the authority aforesaid, That all timber, stones, bricks, tiles, slates, planks, iron, lead, glas, and all other materials belonging or appertaining to the several houses or tenements, edifices and buildings, that shall be taken down by virtue of this act, shall be, and the same are hereby vested in the mayor and commonalty, and citizens of the said city of *London*; and the said mayor, aldermen and commons, in common council assembled, are hereby required with all convenient speed, after any such houses or buildings shall be taken down, to caule such timber, stones, bricks, tiles, slates, planks, iron, lead, glas, or other materials, to be removed from off the premisses, and to use and employ such thereof as they shall see fitting towards the widening, enlarging, and rendering more commodious the passage over the said bridge, and under the same, and what thereof shall afterwards remain, shall either be employed towards reparation of the other estates belonging to the said bridge-house, or else shall be sold and disposed of for as much money as can be had or gotten for the same, as they shall from time to time deem best; and the money arising by and from the sale of such part thereof as shall be sold, shall go and be applied to and for the purposes of this act.

VIII. And whereas it may happen that some persons or bodies politick, corporate or collegiate, seofees in trust, fomes covert, or others,

who are seized of some houses, edifices or grounds, which may be necessary to be pulled down or purchased, and set out or assigned, for widening and enlarging the passage over the said bridge, or the avenues thereto, as aforesaid, may be willing to treat and agree to sell such houses, edifices and grounds, to perfect so useful and necessary a work, but are incapable of selling, granting, or conveying the same; be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for all bodies politick, corporate or collegiate, corporations aggregate or sole, and all feoffees in trust, executors, administrators, guardians, or other trustees whomsoever, and for all females covert, and every other person and persons whomsoever, who are or shall be seized, possessed of, or in any way in, any such houses, edifices, tenements or ground, to sell and convey all or any such houses, edifices, tenements and ground, or any part thereof, and all their estates, rights, titles and interests whatsoever, of, in, and to the same, to the said mayor and commonalty, and citizens, and their successors, or to such persons, and their heirs for ever, as the said mayor, aldermen and commons, in common council assembled, shall direct, in trust for the said mayor and commonalty and citizens, and their successors, for the purposes in this act contained, and that all contracts, agreements, sales and conveyances, which shall be so made by virtue and in pursuance of this act as aforesaid, shall without any fine or fines, recovery or recoveries, or other conveyance or assurance in the law whatsoever, be good, valid and effectual, to all intents and purposes; any law, statute, usage, or any other matter or thing whatsoever to the contrary thereof in any wise notwithstanding: and that all such persons are and shall be hereby indemnified for what they shall do by virtue of or in pursuance of this act.

IX. And be it further enacted by the authority aforesaid, That if any body politick, corporate or collegiate, corporations aggregate or sole, females covert, or other person or persons whomsoever, in and by this act empowered and qualified to contract, sell, convey and dispose of, any part of the premises for the purposes herein before-mentioned, shall refuse to treat and agree as aforesaid, or by reason of absence shall be prevented from treating and agreeing, or shall decline or refuse to sell, convey and dispose of, the premises, whereof, wherein, or wherunto, they respectively shall be in seized, possessed, interested, or intitled, as aforesaid, or their respective rights, titles, claims, or interests, to, in or upon the same, or any part thereof, unto the said mayor and commonalty, and citizens, and their successors, of such persons as the said mayor, aldermen and commons, in common council assembled, shall appoint, for the purposes, and according to the tenor, true intent and meaning of this present act, or shall not produce or make out a clear title to the premises they are in possession of, or to the interest they claim thereto, to the satisfaction of the court of mayor and aldermen of the city of London, it shall and may be lawful to and for the said court, and they are hereby empowered and authorized to issue a

a warrant or warrants, precept or precepts, to the sheriffs of the said city of *London*, or to the bailiff of the borough of *Southwark*, as the case shall require, who are, and every of them is, hereby authorized, directed and required accordingly, to impanel and return a competent number of substantial disinterested persons, qualified to serve on juries, and not less than forty-eight; and out of such persons so to be impanelled, summoned and returned, a jury of twelve persons shall be drawn by some person by the said court of mayor and aldermen to be appointed, in such manner as juries for the trial of issues joined in his Majesty's courts at *Westminster*, by an act made in the third year of the reign of his present Majesty, intituled, *An act for the better regulation of juries*, are directed to be drawn; which ~~juries~~<sup>are</sup> so to be impanelled, summoned and returned, as the said, are hereby required to come and appear before the said court of mayor and aldermen, if the premisses in dispute lie in *London*, at such time and place as in such warrant or warrants, precept or precepts, shall be directed and appointed, and to attend there, from day to day, until discharged by the said court; and if the premisses lie in the county of *Surry*, before the justices of the borough of *Southwark*, at some general quarter-sessions of the peace to be held for the said borough, or some adjournment thereof; and all persons concerned shall have their lawful challenges (but not challenge the array of the panel) against any of the said jurymen when they come to be sworn; and the said court of mayor and aldermen, or justices, as aforesaid, are hereby respectively authorized and empowered, by precept or order, from time to time, as occasion shall require, to call before them all and every person and persons whomsoever, who shall be thought necessary to be examined as witnesses before them, and to examine them on their oath or oaths touching and concerning the premisses; and the said court of mayor and aldermen, and justices, as aforesaid respectively, if they think fit, shall and may likewise authorize the said jury to view the place or places, or matters in question, in such manner as they shall direct; and the said court of mayor and aldermen, or justices, as aforesaid, shall have power to adjourn such meeting from day to day, as occasion shall require; and such jury, witnesses and parties, shall attend until all such affairs for which they were summoned shall be concluded: and the said jury, upon their oaths, shall enquire of the value of such houses, ground, tenements, edifices, erections and buildings, which shall be necessary to be purchased, and of the respective estate and interest of every person seised or possessed of, or interested therein, or in any part thereof; and such jury shall assess the sum and sums to be paid to every such person or persons for the purchase of such their estates and interests which shall be necessary to be so purchased; and the said court of mayor and aldermen, or justices, as aforesaid, shall and may respectively give judgment for such sum and sums of money so to be assessed; which said verdict or verdicts, and the said judgment, decree and determination thereon (notice in writing being

who are to be drawn as act  
Geo. 2. c. 25.  
directs.

Jury may be challenged.  
Court may summon and examine wit-  
nesses on oath,

and direct the jury to view the places in question, &c.

Jury to assess the value.

and the court to give final judgment.

Previous no-  
tice to be gi-  
ven to the  
parties inter-  
ested.

being given to the person or persons interested, at least fourteen days before the time of such assessment, declaring the time and place of the meeting of the said court of mayor and aldermen, or justices as aforesaid, and jury, by leaving such notice at the dwelling-house of such person or persons, or at his, her or their usual place or places of abode, or with some tenant or occupier of some of the said houses, ground, tenements, edifices, erections or buildings, intended to be valued and assessed, in case such party cannot otherwise be found out, to be served with such notice) shall be binding and conclusive to all intents and purposes whatsoever, as well against the King's majesty, his heirs and successors, and all and every other person and persons, bodies politic and corporate, claiming any estate, right, title, trust, use or interest in, to or out of the same, either in possession, reversion, remainder or expectancy, as well infants, and issue unborn, lunatics, ideots, and scemes covert, and persons under any other legal incapacity or disability, and all other cestui que trusts, his, her and their heirs, successors, executors and administrators, as against all other persons whomsoever; and the said verdicts, judgments and decrees, and all other proceedings of the said court of mayor and aldermen, or justices as aforesaid, and juries, so to be made, given and pronounced as aforesaid, shall be fairly written on parchment, and signed and sealed by the said mayor for the time being; and such verdicts, judgments and decrees, and other proceedings, as relate to, or concern houses, grounds, tenements, edifices, erections and buildings in *London*, shall be entered in the town clerk's office of the city of *London*; and such as relate to or concern any houses, grounds, tenements, edifices, erections or buildings in the county of *Surry*, shall be transmitted to the clerk of the peace of the said county, and kept amongst the records of the quarter-sessions of the said county; and the said verdicts, judgments and decrees, and all other proceedings, shall be deemed and taken to

Copies may be taken thereof; or some copy thereof, shall be deemed and taken to be good and effectual evidence and proof in any court or courts of law or equity whatsoever, and all persons may have recourse to the same gratis, and take copies thereof, paying for every copy not exceeding two hundred words, sixpence; and so proportionably for any greater or lesser number of words.

Upon pay-  
ment of the  
purchase mo-  
ney, convey-  
ance to be ex-  
ecuted of the  
premises, in  
trust for the  
city.

X. And it is hereby further enacted and declared, That upon payment of such sum or sums of money so to be assessed and decreed as aforesaid, the person or persons to whom the same shall be so assessed and decreed for the purchase of the houses, tenements and hereditaments, or for the purchase of any estate or interest therein, shall make and execute, or procure to be made and executed, good, valid and legal conveyances and assurances in the law, to the said mayor and commonalty and citizens of the said city, or to any person or persons whom the said mayor, aldermen and commons, in common council assembled, shall direct and appoint, and their heirs, in trust, for the said mayor

mayor and commonalty, and citizens of the said city, of such houses, ground, tenements, edifices, erections and buildings, or of such estate or interest, for which such sum or sums of money shall be so awarded; and shall procure all necessary parties to execute such conveyances, assignments and assurances, and shall do all acts, matters and things, necessary or requisite to make a clear, good and perfect title to such premises, to the said mayor and commonalty and citizens of the said city, and such conveyances, assignments and assurances, shall contain all such reasonable and usual covenants as shall, on the part of the said mayor and commonalty and citizens, be required; and in case such person or persons to whom any such sum or sum<sup>s</sup>, shall be so awarded or due as aforesaid, shall not be able to evidence their title to the premises, to the said mayor, aldermen and commons in common council assembled, and to make or procure to be made, good, valid and legal conveyances thereof to the said mayor and commonalty and citizens, or to such person or persons as the said mayor, aldermen and commons in common council assembled, shall appoint, or shall refuse so to do, being thereto required, and such sum or sums so assessed and awarded, or due as aforesaid, being produced and tendered to be paid to them, on their making such title, and executing, and procuring to be executed, such conveyances, assignments or assurances as aforesaid, or if in case such person or persons, to whom such sum or sums of money shall be so assessed or due as aforesaid, cannot be found in the city or county where the houses, ground, tenements, edifices, erections and buildings, for which the sums shall be so assessed and awarded, or are due, lie, or in case that by reason of disputes depending in any court of law or equity, or for defect of evidence, it shall not appear to the said mayor, aldermen and commons of the said city, in common council assembled, what person or persons is or are intitled; or if any mortgagee shall refuse to take in his or her mortgage money due on the premises, after notice given to him or her for that purpose as herein before is provided; that then, and in all and every such case and cases, it shall and may be lawful to and for the said court of mayor and aldermen to order the sum or sums so assessed and awarded as aforesaid, as the value of, and purchase money for, such houses, ground, tenements, edifices, erections and buildings, or as shall be due on any such mortgage, to be paid into the bank of England, for the use of the parties interested in the said premises, to be paid to them, and every of them, according to their respective estates and interests in the said premises, as the said court of mayor and aldermen shall, by an order to be made by them, direct; and the cashier or cashiers of the bank of England, who shall receive such sum and sums, is and are hereby required to give a receipt or receipts for such sum or sums, mentioning and specifying for what premises, and for what use the same is and are received, to such person as shall pay such sum or sums into the bank of England as aforesaid; which receipt or receipts shall be entered on re-

Where a good title cannot be made out, or legal conveyance executed, &c.

or the parties are not to be found, &c.

or mortgagee shall refuse to take his mortgage money.

court may pay to the bank.

Receipt to be given for the same, specifying for what uses, which premises and uses, which are to be registered;

Premises  
thereupon to  
vest in the ci-  
ty absolutely.

cord, and registered in such place, and in such manner, as the said verdict, judgment and other proceedings, are herein before required to be kept; and immediately on such payment and registry, all the estate, right, title, interest, use, trust, property, claim and demand in law and equity, of the person or persons for whose use the same was paid, in, to and out of such houses, ground, tenements, edifices, erections and buildings, shall vest in the said mayor and commonalty and citizens, and they shall be deemed in law to be in the actual possession thereof, to all intents and purposes, as fully and effectually as if every person having any estate in the said premises had actually conveyed the same by lease and release, bargain and sale inrolled, feoffment with livery and seisin, fine and recovery, or any other legal conveyance whatsoever, and such payment shall not only bar all right, title, interest, claim and demand, of the person and persons to whose use such payment was made, but also shall extend to, and be deemed and construed to bar the dower and dowers of the wife and wives of such person or persons, and all estates tail in reversion or remainder, against the issue and issues of such person and persons, and every person claiming under them, as effectually as a fine or recovery would do, or would have done, if levied or suffered by the proper parties in due form of law.

Court, at the  
petition of the  
party interested,  
may order  
the purchase-  
money to be  
invested in the  
publick funds  
in trust;

XI. Provided always, That it shall and may be lawful to and for the said court of mayor and aldermen, after such payment into the bank, and registry as aforesaid, at the petition of any person or persons interested in such houses, ground, tenements, edifices, erections and buildings, or the monies so paid into the bank for the purchase thereof, or in respect of any right or interest therein, to place out or invest, or cause to be placed out or invested, such sum or sums of money, or any part thereof, in some of the publick funds, or on government securities, at interest, in the name of any person or persons, authorized and appointed by the said court of mayor and aldermen for that purpose, in trust, to transfer and assign the same to such person or persons to whom the money so paid in shall belong, on their executing proper conveyances thereof, and in the mean time in trust to pay the interests and dividends arising therefrom, to such person or persons who was or were in possession of the said premises, at the time of the said payment into the bank.

and the per-  
sons intitled  
to the mesne  
profits, to re-  
cover the in-  
terest of pur-  
chase-money.

XII. Provided always, and it is hereby enacted, That all and every person and persons, who would be intitled to recover the mesne profits of the premises, against the person or persons in possession, in case the same had not been so conveyed to the said mayor and commonalty and citizens, or by their directions as aforesaid, shall be intitled to recover the sum or sums arising, or to arise from such interest and dividend aforesaid, by action of debt against the person or persons who shall receive the same; and the said court of mayor and aldermen are hereby impowered and authorized to make such order as aforesaid, on the bank, for the payment of such sum or sums of money, or any part thereof, as shall be necessary, in order to their being so in-

Court of al-  
dermen to  
make an order  
on the bank  
for that pur-

pose.

vested in publick securities; and the said mayor and commonalty and citizens, shall be quieted in the possession of the houses, ground, tenements, edifices, erections and buildings, for which such money shall be so paid as aforesaid, and shall not be answerable or accountable in any court of law or equity, for the money to be so deposited and placed out as aforesaid, any otherwise than according to the tenor, purport, and true meaning of this act.

XIII. And be it further enacted by the authority aforesaid, That every mortgagee and mortgagees of any houses, lands, tenements and hereditaments, which shall be purchased in pursuance of this act, his, her and their heirs, executors, administrators or assigns, on having six months notice in writing given to him, her or them, from the said mayor, aldermen and commons in common council assembled, or any person authorized by them, that they will pay off and discharge the principal and interest money, which at the expiration of the said six months shall be due on any such mortgage, shall at the end of the said six months, after every such notice, on payment or tender of the principal and interest money, which shall be then due, convey and assign his, her and their respective estates and interests, in and to the said mortgaged premisses, to the said mayor and commonalty and citizens, or such person or persons, as the said mayor, aldermen and commons, in common council assembled, shall appoint, in trust for the said mayor, and commonalty and citizens, and their successors; and if any such mortgagee or mortgagees, his, her or their heirs, executors, administrators or assigns, shall refuse so to do, then all interest on every such mortgage, from the expiration of the said six months, after any such notice given as aforesaid, shall cease and determine.

XIV. And be it further enacted by the authority aforesaid, That in case the said mayor, aldermen and commons of the said city of *London*, in common council assembled, or any person authorized by them, shall, after any houses or tenements shall be purchased by them, in pursuance of this act, give twelve months notice in writing, to the tenants or occupiers of any such houses or tenements, which shall be so purchased, who shall have no greater interest therein respectively, than as tenants at will, or as lessees by parole for a year, or from year to year, to quit or deliver up the possession of such houses or tenements, at the expiration of such twelve months, then every such tenants or occupiers shall, at the end of the said twelve months, after every such notice, peaceably and quietly deliver up the possession of the premisses, so by him, her or them respectively occupied, to the person or persons who shall be appointed by the said mayor, aldermen and commons, in common council assembled, to take possession thereof; and if any person so in possession thereof, shall refuse to give up the possession thereof, at the expiration of such twelve months, after every such notice as aforesaid, it shall be lawful for the said court of mayor and aldermen, from time to time, to issue a precept or precepts to the sheriffs of the city of

On refusal,  
court to issue  
a precept to  
the sheriff to  
take posses-  
sion,

*London*, if the premisses shall be within the said city, and if in the county of *Surrey*, to the bailiff of the borough of *Southwark*, to cause possession thereof to be delivered to such person or persons, who shall be in such precept or precepts nominated to receive the same: and the sheriffs of the said city of *London*, if the premisses shall be within the said city, and if within the county of *Surrey*, the bailiff of the borough of *Southwark*, are hereby respectively required to deliver possession according to such said precept or precepts, of the premisses therein mentioned, and to levy such costs as shall accrue by means of the issuing and execution of every such precept or precepts, by distress and sale of the goods and chattels of any person or persons, who shall neglect or refuse to pay the same.

and levy the  
charges.

Court may  
fine the sheriff,  
his deputy or  
officer, jury  
and witnesses,  
making de-  
fault;

and levy the  
same by ci-  
tress and sale.

Purchase mon-  
ey to be paid  
to the nominee  
in trust, and to  
be re-invested  
in purchase of  
other mes-  
sages, &c. sub-  
ject to like  
uses.

XV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said court of mayor and aldermen, or justices as aforesaid, from time to time, to impose any reasonable fine, not exceeding the sum of ten pounds, on any sheriff or sheriffs, or their deputy or deputies, bailiffs or agents respectively, who shall make any default in the premisses, and on any persons who shall be summoned and returned on any such jury or juries, who shall not appear, and also on any witness or witnesses who shall not attend, or who shall attend and refuse to be sworn, or who being sworn shall refuse to give evidence, and on any person summoned and returned on such jury or juries, who shall refuse to be sworn on any such jury or juries, or being sworn thereon shall not give his or their verdict, or shall in any other manner wilfully neglect his or their duty, in or touching the premisses, contrary to the true intent and meaning of this act, and from time to time to levy such fine or fines, by order of the said court of mayor and aldermen, or justices as aforesaid, as the case may require, by distress and sale of the offenders goods, together with the reasonable charges of every such distress and sale, returning the overplus, if any, to the owner; and all such fines which shall so be recovered and received, shall be applied towards the purposes of this act.

XVI. And it is hereby further enacted and declared by the authority aforesaid, That the principal money arising from the sale of any houses, edifices, lands, tenements and hereditaments, which shall be purchased for the purposes contained in this act, of any body corporate or collegiate, corporation aggregate or sole, feoffees in trust, guardians, committees or other trustees, or from any feme coverts, shall be paid to such persons as they shall respectively nominate to receive the same, in trust, with all convenient speed, to be reinvested in the purchase of other messuages, lands, tenements and hereditaments, to be conveyed and settled to and upon, and subject to the like uses, trusts, limitations, remainders and contingencies, as the houses, edifices, lands, tenements and hereditaments, which shall be purchased from them respectively, by the said mayor, commonalty and citizens as aforesaid, were respectively settled, limited or assured, at the time of such the purchasing of the same, or so many

many thereof, is at the time of making such conveyances and settlements shall be existing, and capable of taking effect.

XVII. And to the intent the passage over the said bridge may always be kept open and rendered more safe and commodious, and be clear of all buildings (except as herein is mentioned) be it further enacted by the authority aforesaid, That after the houses and tenements intended as aforesaid to be taken down, shall be taken down, the ground and soil on which the same now stand, shall lie open, and be deemed and used as a common and publick highway for ever; and that no house or other building shall be erected on the said bridge (except such gates and toll-houses as are herein provided and directed) and that all carriages and carriages passing over the said bridge from London shall go on the east side thereof as near as may be, and that all carriages passing over the said bridge to London shall go on the west side thereof as near as may be; and that no coachman or driver shall stand or ply to for hire with any coach or other carriage whatsoever upon the said bridge, or leave any empty coach or carriage there; and that no carman, carter, drayman or driver of any carriage whatsoever, shall wilfully remain with any cart, Carr, dray, waggon or other carriage whatsoever on the said bridge, longer than shall be necessary for going over the same, or leave any empty cart, dray or other carriage upon the said bridge; and that no person shall put any filth, dung, ashes or rubbish on the said bridge, or do any act which may be an annoyance there; and if any coachman, carman, carter, drayman, waggone or driver, shall offend herein, or any person shall annoy any part of the said bridge by putting or leaving any filth, dung, ashes or rubbish there or otherwise, it shall and may be lawful for any person or persons to apprehend and take, or cause to be apprehended and taken, every such person or persons so offending before the said mayor of the city of London, or some other justice of the peace for the said city, or before some justice of the peace for the borough of Southwark, or for the county of Surry; and every such offender being of any of the said offences convicted by the oath of one or more credible witness or witnesses, before the mayor or any other such justice, or by his or her confession, shall for every such offence forfeit and pay a sum not exceeding twenty shillings, nor less than two shillings and six pence; to go and be applied between the parties informing against, and apprehending every such offender and offenders, as the mayor or the informer justice before whom the party or parties offending shall be convicted, shall direct; and in default of immediate payment thereof, the offender or offenders shall be committed by the mayor or justice before whom he, she or they were convicted, if in London, to the London workhouse, and if in the county of Surry, to a house of correction for the said county, there to be kept to hard labour for any time not exceeding three days, as the mayor or such justice shall think fit to order, or until he, she or they shall have paid the money directed by the mayor or such justice to be paid.

XVIII. And whereas by the taking down of the houses and buildings which are now standing upon London Bridge, or near adjoining thereto, the rector of the united parishes of Saint Magnus and Saint Margaret's, New Fish-street, London, will be deprived of recovering the tithes belonging to him, and which are now charged on such of the houses on London Bridge, as are in the said parish of Saint Magnus; and the rector of the parish of Saint Olave, Southwark, will be deprived of the customary payments in lieu of tithes which are now charged on or payable by the occupiers of such of the said houses and buildings now standing on London Bridge, as are in the said parish of Saint Olave, Southwark: and whereas there are emoluments yearly arising from surplice fees and Easter offerings to the rector of the said united parishes of Saint Magnus and Saint Margaret, New Fish-street, and to the rector of the said parish of Saint Olave, from the occupiers of such houses on London Bridge, as are in the said respective parishes; be it therefore enacted by the authority aforesaid, That immediately after the pulling down any houses, buildings or tenements, on or contiguous to the said bridge, which are in the said parish of Saint Magnus, under the authority of this act, all tithes now payable to the rector of the said united parishes of Saint Magnus and Saint Margaret, New Fish-street, from any such houses, buildings or tenements, shall be for ever charged on all and singular the lands, tenements and hereditaments, belonging or in the account of the bridge house of the city of London, and that immediately after the pulling down any houses, buildings or tenements, on or contiguous to the said bridge, which are in the said parish of Saint Olave, Southwark, under the authority of this act, all customary payments in lieu of tithes now payable to the rector of Saint Olave in Southwark, from any such houses, buildings or tenements, on or near the said bridge, which shall be so pulled down, or the occupiers thereof, shall likewise for ever be charged upon all and singular the said lands, tenements and hereditaments belonging to or in the account of the bridge-house estate of the said city of London; and that all sums of money payable as aforesaid, for or in lieu of tithes, shall be paid to the rectors of the said parishes of Saint Magnus and Saint Margaret, New Fish-street, and Saint Olave in Southwark respectively, for the time being, for ever, clear of all taxes and deductions by the said mayor, commonalty and citizens of the said city of London, or such person or persons as the said mayor, aldermen and commons, in common council assembled, shall appoint, out of the rents and profits of the said bridge-house estates, at the two most usual feasts; that is to say, the annunciation of the blessed Virgin Mary, and the feast of Saint Michael the archangel, by equal payments in every year; the first payment thereof to begin and commence on such of the feast days as shall first happen after the pulling down any of such houses or tenements; and that the yearly sum of seven pounds fifteen shillings and one penny, shall be likewise paid as to rector of Saint Magnus, master Robert Gibson, during the time he shall continue rector and Saint

Tithes to be paid half-yearly, and free of taxes.

gl. 15s. 1d. to be paid yearly to the reverend master Robert Gibson, during the time he shall continue rector and Saint

of

of the said parishes of Saint *Magnus* and Saint *Margaret*, from Margaret, in  
and immediately after the pulling down the said houses, in lieu <sup>of</sup> ~~lieu~~ of sur-  
of surplice fees and *Easter* offerings, clear of taxes; and the <sup>sur</sup> ~~lief~~ plice fees, and  
yearly sum of four pounds eleven shillings and four pence, shall ings; and 4d.  
likewise be paid out of the said bridge-house estate to the rever-<sup>11s</sup> 4d. to  
rend master *Simon Hughes* rector of the said parish of Saint *Olave*, the rector of  
<sup>Saint Olave.</sup>  
such time as he shall continue rector of the said  
parish of Saint *Olave*.

**XIX.** And whereas by means of pulling down and taking away the  
house upon the said bridge, and contiguous thereto, a great deficiency  
will happen in the poor's rates of the said parishes of Saint *Magnus*  
and Saint *Olave*'s, and the land tax heretofore assessed upon account of  
such houses, must be raised and paid by the owners and occupiers of  
such houses and lands who shall remain in the said parishes, unless  
some provision be made by this act for the future payment of the same;  
be it therefore enacted by the authority aforesaid, That such City to make  
share and proportion which any house or houses (now standing good out of the  
on the said bridge, or contiguous thereto, and which shall here-<sup>bridge estate,</sup> the deficiency  
after be pulled down and taken away from the same) used to  
contribute and pay, or be charged towards the quota of the land <sup>in the poor's</sup> rates and land  
tax assessed upon the said parishes, shall from and after the pull-<sup>tax, occasioned</sup> down of such house and houses, be for ever paid to the col-<sup>ed by pulling</sup> down the  
lector or collectors authorized to receive the same, by the mayor,  
commonalty and citizens of the said city of London, out of the  
revenues and estate belonging to the said bridge; and that there  
shall likewise be paid by the said mayor, commonalty and citi-  
zens, out of the said revenues and estates, to the overseers of the  
poor of the said parishes of Saint *Magnus* and Saint *Olave*'s re-  
spectively, for the time being, towards the relief of the poor of  
the said parishes yearly and every year, all such sum and sums of  
money as the said parishes shall be chargeable with on account of  
any person or persons who already have gained or hereafter shall  
gain any settlement, or become chargeable in the said parishes,  
or either of them, on account of such part of the said parishes  
wherein the houses which shall be pulled down by virtue of this  
act now stand.

**XX.** And whereas by an *act* made in the tenth year of the reign <sup>10Geo 2. c. 18.</sup> of his present Majesty, intituled, An *act* for rebuilding the church  
of the parish of Saint *Olave* in the city of *Loudon*, and in the  
borough of *Southwark*, in the county of *Surry*, all lands, houses,  
tenements and hereditaments, within the said parish, were charged,  
and are still chargeable, with assessments to be made thereon, not ex-  
ceeding six pence in the pound in any one year, of the yearly rent of  
such lands, houses, tenements and hereditaments, as the same should  
be ascertained and rated by the land tax, payable for the same; two  
third parts of which assessments were to be paid by the landlords or  
owners, and the other third part was to be paid by the tenants or oc-  
cupiers of such lands, houses, tenements and hereditaments; for and  
towards the expence of rebuilding the said parish church, and until  
the same should be finished: and whereas the said parish church is

Anno vicecentimo nono Georgei II. C. 101 { 1736.

not yet finished; and there remain several debts unpaid, which have been contracted by the said parish, on account of the rebuilding the said church, which the said parish is now charged with, and liable to pay: and whereas several of the houses charged and chargeable with the said affiment, will be taken down, and the ground whereon they stand will be applied to the use of the said bridge, whereby the said parish of Saint Olave will lose the affiments charged and chargeable thereon; be it therefore enacted by the authority aforesaid, That the said mayor and commonalty and citizens of the said city of London, shall out of the rents of the said bridge-hobie estate pay or cause to be paid, to the churchwardens of the said parish of Saint Olave, all such rates and sums of money as might or would be chargeable upon the said houses so to be taken down in pursuance of the said act, as if the said houses were standing.

and also the  
rates charge-  
able thereon,  
to the parish  
of Saint Olave.

**XXI.** Provided always, and it is hereby further enacted by the authority aforesaid, That nothing in this present act contained shall extend, or be construed, deemed or taken to extend, to impower the said mayor, aldermen and commons of the said city, in common council assembled, to remove or alter any of the arches under the said bridge, or any engines fixed up therein, which now belong to the proprietors of the *London Bridge* water-works, or to take away any right which the said proprietors of the said *London Bridge* water-works now have to the use or enjoyment of any of the arches of the said bridge, by grant or lease from the said mayor and commonalty and citizens of London, for raising water therefrom.

If the city  
shall remove  
any of the wa-  
ter pipes,

the proprie-  
tors may lay  
down others,  
where agited  
on;

and repair the  
same,

**XXII.** Provided further, and it is hereby also enacted, That if for the enlarging or altering the said bridge, or any of the arches thereof, in pursuance of this act, the said mayor, aldermen and commons, in common council assembled, shall cause to be removed, or taken away, any of the leaden pipes which belong to the said proprietors of the said *London Bridge* water-works, and now lie on, or contiguous to the said bridge, for conveying water from their water-works, then and in such case, the said proprietors of the said *London Bridge* water-works shall have liberty, and they are hereby authorized, at all times then after, at their costs, to place or lay down, in lieu of such pipes, which shall be so removed or taken away, other lead or iron pipes upon and over such part and parts of the said bridge, and contiguous thereto, as shall be agreed on between them and the said mayor, aldermen and commons, in common council assembled; and that until the pipes which now lie on, or contiguous to the said bridge, shall be removed or taken away, the said proprietors of the said *London Bridge* water-works are hereby authorized, from time to time, as occasion shall require, to repair or amend the same; and after the removal or taking away any of the leaden pipes now lying on, or contiguous to the said bridge, from time to time, to amend or repair as occasion shall require, all other lead or iron pipes which shall then after be placed or laid down on, or contiguous to the said bridge, by the proprietors of the said *London Bridge* water-works, with the

the approbation of the said mayor, aldermen, and commons, in common council assembled, so as by the doing thereof the said bridge, or any of the arches thereof, be not prejudiced, and so as the proprietors of the said *London Bridge* water-works for the time being do and shall, at all times hereafter, make good so as they all damage which shall at any times be done to the said bridge, make good damages. or the pavement thereon, or any of the arches thereof, by the taking up, laying down or repairing, any of such pipe or pipes, and forthwith after any such damage shall at any time be done.

**XXIII.** And for preventing any damage to the *London Bridge* If in altering water-works, be it further enacted by the authority aforesaid, the piers, a deficiency of That if it shall be found necessary to take down or alter any of the piers of the said bridge, in order to enlarge any of the arches thereof, and thereby the raising of water by the said works shall ensue, be prejudiced; that then and in every such case the said mayor, aldermen and commons of the said city, in common council assembled, shall, and they are hereby required on complaint and proof of such damage, to stop or pent up, or cause to be stopped or pent up, a like body of water as shall be discharged by the taking down or altering any of the said piers, for the use of the proprietors of the said water-works.

**XXIV.** And forasmuch as the widening and enlarging the passage over and through the said bridge before mentioned, and the purchasing such houses, edifices and ground as aforesaid, and the making satisfaction herein before directed, will be attended with considerable charge and expence; be it therefore enacted by the authority aforesaid, That from and after the said twenty fourth day of June Additional toll to be paid by carriages and horses passing over the bridge. there shall be due and paid to the receiver or receivers, collector or collectors to be nominated and appointed as herein after is mentioned, for pontage, or in the nature of a toll, for passing over the said bridge, over and above the toll now paid and payable for loaded waggons, carts, drays and carriages passing over the said bridge, the following sums of money (that is to say)

For every horse drawing any coach, chariot, hearse, berlin, landau, calash, chaise or chair, over the said bridge, the sum of one halfpenny.

• And for every such coach, chariot, hearse, berlin, landau, calash, chaise or chair, one penny.

And for every horse not drawing, passing over the said bridge, one halfpenny.

**XXV.** Provided always, That no hackney coach which shall pass over the said bridge empty, or the horses drawing the same, shall pay any toll whatsoever; nor shall any horse or any coach or carriage whatsoever pay more than once a day for passing over the said bridge: which said respective sums of money shall and may be demanded and taken in the name of pontage, or as a toll or duty; and the monies to be raised thereby, and all other monies to be received by authority of this act, are hereby vested in the said mayor and commonalty and citizens of the said city;

and may be  
levied by di-  
stres and sale.

of London, and their successors; and the same and every part thereof shall be paid, applied, disposed of and assigned to and for the several uses, intents and purposes, and in such manner as is herein-mentioned and directed; and the said mayor, aldermen and commons, in common council assembled, or such persons as they shall depute, are hereby empowered to levy the toll or duty hereby required to be paid, upon any person or persons who shall, after demand thereof made, neglect or refuse to pay the same as aforesaid, or to deny or hinder any passage over the said bridge, until payment thereof; which said toll or duty shall or may be levied by distres of any horse or horses, or carriage upon which such toll or duty is by this act imposed, or upon any other of the goods and chattels of such person or persons as ought to pay the same; and all such horses or goods may be detained till such toll or duty, with the reasonable charges of such distres, shall be paid; and it shall be lawful for the person or persons so distraining, after the space of four days after such distres made and taken, to sell such horse or horses, or other goods or chattels so distrained, for payment of the said toll or duty, rendering to the owner or owners thereof the overplus upon demand, after satisfaction of the said toll or duty, and the reasonable charges in or about making such distres, detaining, keeping and selling the same, shall be deducted and paid.

Gates and toll-  
houses may be  
erected on or  
near the  
bridge.

XXVI. And be it enacted by the authority aforesaid, That the said mayor, aldermen and commons, in common council assembled, or such person or persons as they shall appoint, shall and may erect or cause to be erected a gate or gates, and also a toll-house or toll-houses, upon, in or near the said bridge.

Tolls to be  
paid by lo-  
aded barge,  
vessel, lighter,  
or other craft  
under the  
bridge.

XXVII. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of June one thousand seven hundred and fifty six there shall be due and paid to the receiver or receivers, collector or collectors, who shall be appointed by the said mayor, aldermen and commons, in common council assembled, by the owner or owners of every hoy, paid by loaded barge, vessel, lighter, or other craft having any goods on board, vessels passing every time any such hoy, barge, vessel, lighter or other craft shall pass through any of the arches of the said bridge, the several tolls or sums of money following (that is to say)

The tolls.

For every hoy, barge, vessel, lighter or other craft having any goods on board not exceeding five tons burthen, the sum of two pence.

For every such hoy, barge, vessel, lighter or other craft not exceeding ten tons, the sum of three pence.

For every such hoy, barge, vessel, lighter or other craft not exceeding twenty five tons, six pence.

And for every such hoy, barge, vessel, lighter or other craft above the burthen of twenty five tons, one shilling.

Save and except out of such tolls all such crafts as shall be loaded

loaded only with straw, manure, dung, compost or lime, to be Exemptions used for tillage.

All which tolls or sums of money shall from time to time be payment of paid within the space of three months after every such hoy, the said tolls barge, vessel, lighter or other craft shall have passed through to be made the said bridge; and if any owner or owners of any such hoy, within three months, barge, vessel, lighter or other craft which shall so pass through the said bridge, shall for the space of three months neglect or refuse to pay the tolls or rates herein before appointed to be paid for every such hoy, barge, vessel, lighter or other craft which shall so pass through the said bridge, he and they shall forfeit and pay for every offence the sum of five pounds, to be levied on penalty of from time to time by distress and sale of the goods and chattels 5l. of the respective owner or owners of any such hoy, barge, lighter, vessel or other craft which shall so pass through the said bridge, together with the reasonable charges of every such distress and sale; all which forfeitures, when recovered, shall go and be applied to the uses of this act.

XXVIII. Provided always, and be it further enacted by the City may com- authority aforesaid, That it may and shall be lawful for the said mayor, aldermen and commons, in common council assembled, from time to time to compound or agree by the year or otherwise with the owner or owners of any hoy, barge, vessel, lighter or other craft having goods on board, to pass through the arches of the said bridge for such sum of money, and to be paid in such manner as the said mayor, aldermen and commons, in common council assembled, shall think fit or reasonable; any thing herein before contained to the contrary notwithstanding.

XXIX. And be it further enacted by the authority aforesaid, That from and after the twenty ninth day of September one thousand seven hundred and fifty six the owner or owners of every hoy, barge, vessel, lighter or other craft (other than such crafts as are herein before excepted) which shall pass with goods on board through any of the arches of the said bridge, shall cause his, her or their name or names and place or places of abode, together with the tonnage of such hoy, barge, vessel, lighter or other craft to be painted on some conspicuous place or part thereof; and the owner or owners of every such hoy, barge, vessel, lighter or other craft (except as aforesaid) who shall omit so to do, shall, over and besides the toll herein before appointed to be paid for passing through any of the arches of the said bridge, and the penalty herein before inflicted in case of non-payment thereof, forfeit the sum of twenty shillings every time any such hoy, barge, vessel, lighter or other craft (other than such crafts as are herein before excepted) shall pass with goods on board through any of the arches of the said bridge, without having the name or names and place or places of abode of the owner or owners thereof painted on some conspicuous place or part of such hoy, barge, vessel, lighter or other craft, as also the tonnage thereof; and every such forfeiture shall be paid by the con-

to be paid on conviction of every such offender or offenders by his, her or their confession, or on the oath of one or more credible witness or witnesses before any justice of the peace of the city, county, division or place where such owner or owners shall live or be found, to the person or persons who shall make information or complaint to such justice of any such omission or default as aforesaid, and on the offender or offenders on such conviction refusing or neglecting to pay the money which shall be forfeited as aforesaid, the same may and shall be levied by distress and sale of the offenders goods, rendering to the owner or owners thereof of the overplus, if any, after the reasonable charges of every such distress and sale shall be paid.

and may be levied by distress and sale.  
Justice may summon defaulter for non-payment of tolls, and issue his warrant for levying thereof, &c.

XXX. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any justice or justices of the peace of any county, city or liberty, within whose jurisdiction any person or persons subject and punishable by this act for neglecting or refusing to pay any of the tolls or sums of money herein before appointed to be paid for any such hoy, barge, vessel, lighter or other craft which shall pass through any of the arches of the said bridge with goods on board, or who shall neglect or refuse to pay any composition money agreed to be paid by him, her or them, in lieu of such tolls, shall reside or be found, to summon before him or them the party or parties accused of neglect or refusal to pay the same tolls or sums of money or composition money; and on appearance of the parties accused, or on his, her or their contempt in not appearing, upon proof on oath by one or more credible witness or witnesses of the service of such summons or summonses on the party or parties against whom the same was or were granted, or of leaving the same at his, her or their usual place of abode, with some person there, of his, her or their family, every such justice and justices is and are hereby required to proceed to the examination of the witness or witnesses upon oath (which oath every such justice is hereby authorized to administer) and thereupon to hear, adjudge and determine concerning the matters complained of, and to issue warrants for recovering the money forfeited or due, by distress and sale of the offenders goods, so as the offender or offenders be thereof first duly convicted by any such justice in like manner as justices may do for any offences committed within their respective jurisdictions; and every such warrant and act done by any such justice, and by any constable, headborough, tythingman or other person, in obedience to the warrant of any such justice, shall be as effectual in law, as if the same had been granted or done within the proper limits of their own jurisdiction.

Tolls not ratable to any tax

XXXI. And be it further enacted by the authority aforesaid, That the tolls and duties payable by this act shall not be rated or taxed for or towards the land tax, church, poor, or any other rates or taxes, ward or parochial, or for or towards the repairs of any highways.

XXXII. And

**XXXII.** And be it further enacted by the authority aforesaid, Tolls, &c. That all and singular the tolls and duties raised and imposed by vested in the this act, and all other money which shall be levied or recovered, city, and to be received by virtue hereof, shall, from and after the said twenty fourth day of June, be and the same are hereby vested in the this act. purposes of said mayor, commonalty and citizens of London, and their successors; and the money arising therefrom shall be recovered, accounted for, paid and applied in such manner, for such time, and for such purposes, as by this act is directed.

**XXXIII.** And forasmuch as the borrowing money upon the credit of this act will be the most effectual method to accomplish the ends designed thereby; be it further enacted by the authority aforesaid, That the said mayor, aldermen and commons of the said city, in common council assembled, shall and may, and they are hereby empowered from time to time to borrow under the common seal of the said city, upon the credit of the said tolls and duties created by this act, any sum or sums of money at a rate or rates of interest not exceeding four pounds per centum per annum, which said money so to be borrowed shall be applied to the purposes of this act.

Common council may borrow money on the credit of the tolls.

**XXXIV.** And to the end the said tolls and duties may be duly accounted for, be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said mayor, aldermen and commons of the said city of London, in common council assembled, to nominate and appoint a proper person or persons to be their clerk or clerks, and such other officers under them, for the execution of the powers hereby vested in them, as they shall deem proper; which clerk or clerks shall write and keep proper entries from time to time of all such matters, proceedings and things, as shall be done in pursuance of this act; and likewise to nominate and appoint such person or persons to be receiver or receivers, collector or collectors of the said tolls or duties, as they shall think fit, who shall give security for the due accounting for, and paying into the chamber of the said city of London, the monies by them collected, and for their honesty and good behaviour in their office or place of collector or collectors, receiver or receivers; and all persons by this act liable to pay the said tolls or duties, or any of them, are required to pay the same, after the rates aforesaid, to such receiver or receivers, collector or collectors as aforesaid; and all such receivers and collectors shall respectively pay the same into the chamber of the said city of London, and shall also upon oath (if thereunto required by the said court of mayor and aldermen) give in a true and perfect account in writing, under their respective hands, of all money which they and every of them shall to such time have received, paid and disbursed by virtue of this act, or by reason of their respective offices; and the said mayor, aldermen and commons of the said city of London, in common council assembled, shall and may, out of the monies arising or to be received by the said tolls, or otherwise, by virtue of this act, make such allowances unto such receiver and receivers, collector or

Clerk and other officers to be appointed.

Collectors to give security.

Tolls to be paid to them; who are to pay the same over to the chamber.

Salaries to be allowed to officers.

lector and collectors, and all other officers and persons to be employed by or under them, for their care and pains in the execution of their respective offices, as they the said mayor, aldermen and commons, in common council assembled, from time to time shall think fit and reasonable; and in case any such receiver or receivers, collector or collectors of the aforesaid tolls or duties so to be paid as aforesaid, or any of them, shall not make such account and payment, as by this act is directed, according to the orders and directions of the said mayor, aldermen and commons, in common council assembled, then any justice or justices of the peace for the said city of *London* shall commit such party or parties to his Majesty's gaol of *Newgate*, there to remain without bail or mainprize, until they shall have made a true account and payment as aforesaid, or compounded for the same with the said mayor, aldermen and commons, in common council assembled, and paid the money by every such composition stipulated to be paid; which composition the said mayor, aldermen and commons, in common council assembled, are hereby authorized from time to time to make and receive, if they shall so think fit, in full satisfaction for all money that shall be then due from such person or persons.

**Collector never to keep more than 50l. in his hands at one time, of the tolls, but to pay the same into the chamber,**

**on penalty of 5l.**

XXXV. And be it enacted by the authority aforesaid, That every receiver or collector of any money payable by virtue of this act, shall pay the money he or they shall receive, into the chamber of the city of *London*, as he or they shall receive the same, in such manner that he or they shall never have a fund exceeding fifty pounds at a time in his or their hands for the space of ten days, provided the said chamber of *London* be open to receive the same; and if any such receiver or collector shall keep or retain in his hands more than the said sum of fifty pounds longer than ten days, he and they shall respectively forfeit and pay the sum of five pounds for every offence, of which he or they shall be convicted before the mayor of the said city of *London*, or any justice of the said city, by the oath of any one or more credible witness or witnesses, or by his or their confession; all which forfeitures shall be levied by distress and sale of the offenders goods, rendering the overplus, if any, after the reasonable charges of such distress and sale shall be paid, to the owners thereof, and shall be recovered and applied to the uses of this act.

**Chamberlain to give receipts for the money;**

**and to issue the same on order from the extend &c be sufficient, from time to time to answer and pay all sums**

XXXVI. And be it also enacted by the authority aforesaid, That the chamberlain of the said city of *London* for the time being, or such of his clerks who shall be appointed by him for this purpose, shall be obliged, and he and they are and are hereby required to give receipts for all money which shall be paid into the said chamber of *London* in pursuance of this act, without fee or reward; and that the said chamberlain of the said city of *London* for the time being is hereby authorized and required, out of the money which shall be so paid into the said chamber of the said city of *London*, under this act, and so far as the same will

sums of money which shall be drawn upon him, or ordered to be paid by the said mayor, aldermen and commons of the said city of London, in common council assembled, for or in respect of any thing which shall be due or payable by virtue of or under this act.

XXXVII. And be it further enacted by the authority aforesaid, That there shall be provided and kept by the chamberlain of the city of London for the time being, one or more books, in which all the receipts and disbursements of the money arising and received by virtue of this act shall from time to time be fairly set down and entered, truly expressing the times when, and the names of the persons respectively from and by whom the same were so received, and to whom and for what uses or purposes the same shall have been disbursed; and an account of such receipts and payments shall be fairly drawn out and stated, and signed by the said chamberlain once in every year, and delivered by him to the said mayor, aldermen and commons of the said city, in common council assembled, who are hereby empowered from time to time to audit, or cause the same to be audited, and to settle the same; and after every such audit shall be made, the chamberlain of the said city of London for the time being shall yearly lay before each house of parliament a true copy of every such account or an abstract thereof, within twenty days after the opening of every session of parliament.

XXXVIII. Provided likewise, and it is hereby also further enacted by the authority aforesaid, That all and every the powers and authorities in and by this act given and granted to the mayor, aldermen and commons of the said city of London, in common council assembled, shall and may at all times hereafter be exercised and performed as fully and effectually to all intents and purposes whatsoever, by any committee who shall be appointed from time to time by the said mayor, aldermen and commons of the said city of London, in common council assembled for putting in execution this act, or performing any matters hereby directed to be done, according to the authorities which from time to time by the said mayor, aldermen and commons of the said city of London, in common council assembled, shall be delegated or given to such committee; and that all and every acts, matters and things which at any times hereafter shall be done or transacted by any such committee who shall be appointed as aforesaid, shall be as valid and effectual to all intents and purposes whatsoever, as if the same were or had been done, transacted or performed by the said mayor, aldermen and commons of the said city of London, in common council assembled; any thing in this act before contained to the contrary thereof in any wise notwithstanding.

XXXIX. And it is hereby also enacted by the authority aforesaid, That no order which shall be made by any justice or justices by virtue of or under this act, or any other proceedings to be had touching the conviction or convictions of any offender or offenders against this act, shall be quashed or vacated for want of form, or of certiorari.

of form only; or be removed or removable by *Certiorari*, or any other writ or process whatsoever, into any of his Majesty's courts of record at *Westminster*.

Persons aggrieved may appeal to the sessions.

Court may award costs.

Charges of passing this act to be paid out of the first money raised. Tolls to continue till the principal and interest of money borrowed be repaid.

Limitation of actions.

General issue.

Treble costs.

XL. Provided always, and it is hereby further enacted by the authority aforesaid, That in case any person or persons shall think him, her or themselves aggrieved by any orders or proceedings of any justice or justices of the peace, which shall be made or had under this act, it shall and may be lawful for such person or persons to appeal to the justices of the peace at their next general quarter-sessions of the peace to be held for the county, city or borough in which any warrant shall be so granted, or order so made; and the justices of such said general quarter-sessions are hereby required to bear and finally determine every such appeal and appeals, and shall award to the party or parties for whom such appeal shall be determined, such costs as to them in their discretion shall seem reasonable, and shall raise and levy by their order or warrants such costs as shall be awarded by distress and sale of the goods and chattels of any person or persons who shall be ordered to pay the same.

XLI. And be it further enacted by the authority aforesaid, That all the costs and charges of obtaining, or by reason of passing this act, shall, as soon as may be, be paid out of the money to be raised and received by virtue thereof.

XLII. And be it further enacted by the authority aforesaid, That the several tolls and duties hereby appointed to be raised and levied for the purposes aforesaid, shall have continuance and be received, had, raised, collected and taken, until such time as the money which shall be borrowed by virtue of this act, and the interest thereof, shall be fully satisfied and paid.

XLIII. And be it enacted by the authority aforesaid, That if any action shall be brought, or suit commenced against any person or persons for any thing done in pursuance of this act, or in relation to the premisses, or any of them, such action or suit shall be laid or brought within six months next after the fact done; and shall be laid or brought in the city of *London* or county of *Surry*, and not elsewhere; and the defendant or defendants in such action may plead the general issue, and give this act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by authority of this act; and if the same shall appear to have been so done, or if any such action or suit shall not be brought within the time before limited, or shall be brought in any other county or place than as aforesaid, then the jury shall find for the defendant or defendants; or if the plaintiff or plaintiffs shall become nonsuited, or suffer a discontinuance of his, her or their action or actions; or if a verdict shall pass against the plaintiff or plaintiffs; or if upon demurrer judgment shall be given against the plaintiff or plaintiffs, the said defendant or defendants shall have treble costs, and shall have such remedy for recovering the same, as any defendant or defendants hath or have for costs in other cases by law.

XLIV.

1756.] Anno viceimo nono GEORGI M. C. 41,--48.

543

XLIV. And it is hereby further enacted, That this act shall Publick act. be deemed a publick act, and shall be taken notice of as such by all judges, justices and other persons whatsoever, without specially pleading the same.

#### C A P. XLI.

An act for explaining and amending two acts of parliament, one made in the eleventh year of his Majesty's reign (*For repairing the road from Shoreditch church, through Hackney to Stamford Hill, and crojs Cambridge Heath over Bethnal Green, to the turnpike at Mile End in the county of Middlesex*) and the other made in the twenty sixth year of his Majesty's reign (*For enlarging the term and power granted by the said former act*) and for empowering the trustees to erect and maintain lamps, and keep a guard, upon the said roads in the night-time.

#### C A P. XLII.

An act for enlarging the cemetery or church-yard of the parish of Saint Mary Newington Butts in the county of Surry.

#### C A P. XLIII.

An act for making and widening a road from the east side of the parish of Saint Matthew Bethnal Green in the county of Middlesex, to the east end of Church Street in the said parish; and to open a way or road into Shoreditch, and keeping the same in repair.

#### C A P. XLIV.

An act to enable the trustees for repairing Old Street road, to repair, widen, and make a road from the sign of the Red Lion on Windmill Hill, through Worship Street, to the Ditch Side next the east side of Holy Well Mount, and through a certain ground to the sign of The London Apprentice, in the parishes of Saint Luke and Saint Leonard Shoreditch in the county of Middlesex, or to lay open, repair, and widen a road from the said Red Lion, through the Dog Bar, into the Old Street road in the said county.

#### C A P. XLV.

An act for repairing and widening the roads leading from a pond belonging to Henry Eyre esquire, in the parish of Whiteparish in the county of Wilts, to the top of Dunwood Hill; and from thence over Great Bridge and Middle Bridge, through Romsey intra, to Hundred Bridge in the county of Southampton; and from thence to the county of the town of Southampton.

#### C A P. XLVI.

An act for repairing and widening the high roads from Basingstoke, through Popham Lane, Sutton-Scotney and Stockbridge in the county of Southampton, to a place called Lopcomb Corner in the county of Wilts, and also for repairing and widening the road from Spittle-house, over Wey-hill, to Mullen's Pond in the said county of Southampton.

#### C A P. XLVII.

An act to explain, amend, and render more effectual, an act made in the last session of parliament, intituled, *An act for establishing, maintaining, and well governing, a mighty watch within the city of Bristol.*

#### C A P. XLVIII.

An act for rebuilding the common gaol for the county of Derby, upon a place called Nun's Green, in the liberty of the town of Derby, and for appointing a proper place for the safe custody of prisoners, until such new gaol shall be completed; and to impower the justices of the peace for the said county to pay the rent reserved to the corporation for the said ground, out of the County rates.

C A P.

## C A P. XLIX.

An act for repairing and widening the road from the eighteen mile stone beyond Willoughby Hedge, through the town of Mere in the county of Wilts, and through Wincanton, to Charlton Houthorn, and from thence to Milborne Port; and from Willoughby Hedge aforesaid, to the west end of Long Lane in Kilmington; and from Wincanton aforesaid, to the Sherborn turnpike cross-gate, on Cattle Hill; and from Wincanton, to Sparkford, in the county of Somerset.

## C A P. L.

An act for repairing and widening several roads leading from and near the town of Brewton in the county of Somerset.

## C A P. LI.

An act for repairing and widening the several roads, from the town of Tewkesbury to Coscomb Gate; and from Isabel's Elm to the top of Gotherington Hill, in the county of Gloucester; and from Tewkesbury to a farm house, called The Old Blue Bell, and to the direction post in the parish of Ripple, and to Simmond's Ford brook, and from Bredon to Eckington Bridge, in the county of Worcester; and from Tewkesbury to Wainload Bridge, and to the road opposite to Elstone church, and from the market-house in Cheltenham, to the turnpike road from Burford to Gloucester, near a tree called Pewidon Ash in the said county of Gloucester.

## C A P. LII.

An act for repairing and widening the several roads leading from a gate called Poole Gate in the town and county of Poole.

## C A P. LIII.

An act for the better regulating the nightly watch and bedles, and cleaning, enlightening, and paving the streets, squares, lanes, and other passages, and repairing the highways and causeways, and regulating the poor within the parish of Saint Mary le Bone in the county of Middlesex.

## C A P. LIV.

An act for repairing and widening the road from the top of Harnham Hill, near the city of New Sarum, in the county of Wilts, through the towns of Blandford Forum and Dorchester, to a certain intrenchment on Askewell Hill in the county of Dorset.

## C A P. LV.

An act to amend and render more effectual an act passed in the twenty sixth year of the reign of his present Majesty, for amending several roads leading from the city of Exeter.

## C A P. LVI.

An act for amending and keeping in repair the roads leading from Mead Brook, which divides the parishes of Pucklechurch and Mangotsfield in the county of Gloucester, to Christian Malford Bridge in the county of Wilts, and also from Pucklechurch aforesaid, to certain coal mines in the said parish.

## C A P. LVII.

An act for enlarging the term and powers granted by an act passed in the twenty-second year of his present Majesty, for repairing, enlarging and preserving the harbour of Ellenfoot in the county of Cumberland.

## C A P. LVIII.

An act for repairing and widening the roads leading from the city of Gloucester towards Cheltenham and Tewkesbury in the county of Gloucester.

C A P.

## C A P. LIX.

An act for amending, widening, and keeping in repair, several roads leading from the Market Houle, and elsewhere, in the town of Ludlow in the county of Salop.

## C A P. LX.

An act for amending, widening, and keeping in repair, several roads leading from the Market Houle in the town of Much Wenlock in the county of Salop.

## C A P. LXI.

An act for repairing and widening the roads from Coleham Bridge in Shrewsbury, to the Market Place in Church Stretton, and to the top of Lythwood Hill, and from Pulley Common, to the May Pole in Conduver; and from Coleham Bridge, to Longdon in the county of Salop.

## C A P. LXII.

An act to enable the dean and chapter of the collegiate church of Saint Peter at Westminister, and their successors, to make and grant unto James Mallors a lease or leases of certain pieces of ground, messuages, tenements and hereditaments, comprised within certain limits, for a longer term of years than they are at present enabled to grant.

## C A P. LXIII.

An act to empower the churchwardens, overseers of the poor, and vestry of the parish of Kensington, in the county of Middlesex, to make a rate or rates for the relief of the poor, and the better repairing of the highways, and cleansing the streets within the said parish.

## C A P. LXIV.

An act for repairing and widening the roads from the town of Shrewsbury, to Preston Brockhurst, to Shawbury, and to Shrey-hill in the county of Salop.

## C A P. LXV.

An act for repairing and widening the roads leading from the town of Kington, in the county of Hereford, through the Welch Hall Lane, as far as the same county extends, and the several roads leading from Kington aforesaid, to Brilley's Mountain, to Earnisley, to Almley, to Eckley's Green, to Eardisland, to Staple Bar, and to Milton House in said the county of Hereford.

## C A P. LXVI.

An act for explaining, amending, and rendering more effectual, an act passed in the twenty seventh year of his present Majesty, for repairing and widening the road from Leicester to Narborough, and from Leicester to Coventry, and from thence through Kenilworth to Warwick, and from thence to Halford Bridge; and from Warwick to Stratford upon Avon; and from Coventry to Martyn's Gutter, leading towards Stoneleigh Town; and for supplying an omission in an act passed in the last session of parliament, for repairing the roads from Leicester to Ashby de la Zouch in the county of Leicester, so far as the same relates to that part of the said road which leads from the town of Hinckley in the county of Leicestershire, to the town of Nuneaton; and from thence through the parishes of Chilvers Coton and Bedworth, to Bishops Gate in the city of Coventry.

## C A P. LXVII.

An act for enlarging the terms and powers granted by several acts of parliament for repairing the highways between Sheppard's Shord and the Devizes, and from Streat Stoke in the parish of Urselton, to Rowd Ford in the county of Wilts; and for changing and altering part of the

Anno vicesimo nono GEORGI II. C. 68—77. [1756]

said highways; and for repairing the road from the top of Red Hone to Stert Stone aforesaid.

### C A P. LXVIII.

An act for amending, widening, and keeping in repair, the several roads from the town of Pool in the county of Montgomery, to Wrexham in the county of Denbigh, and also the road from Knockin in the county of Salop, to Llanidloes in Mochnant in the county of Denbigh.

### C A P. LXIX.

An act for the explaining, amending, and rendering more effectual, two several acts of parliament, one of them passed in the thirteenth year of her late majesty Queen Anne, for making the river Nine or Nen, running from Northampton to Peterborough, navigable; and the other made in the eleventh year of his late majesty King George the First, for making more effectual the said former act.

### C A P. LXX.

An act for enlarging the terms and powers granted by an act passed in the twenty fourth year of his present Majesty's reign, for repairing the high road leading from Darlington in the county of Durham, to West Auckland, and several other roads in the said county therein mentioned; and for the effectual amending the same.

### C A P. LXXI.

An act to explain and amend an act passed in the twenty fifth year of the reign of his present Majesty, intituled, *An act for repairing the roads from the town of Leeds through Harwood to the south west corner of the hundred of Harrogate, and from thence in two branches, one through Ripley over Burage Green, and the other through Knaresborough and Borough-Bridge, to Ripon, and from thence to the first rill of water or watercourse on Huston Moor in the county of York, and for repairing the sloughs or ruts on the said moor.*

### C A P. LXXII.

An act for changing and altering two several roads directed to be amended and widened by an act made in the twentyseventh year of the reign of his present Majesty, for amending and widening several roads leading from the borough of Tiverton in the county of Cornwall.

### C A P. LXXIII.

An act for building a bridge across the river Wye, from the town of Hay in the county of Brecon, to the opposite shore in the county of Radnor.

### C A P. LXXIV.

An act for the better supplying the city of Edinburgh with fresh and whollome water.

### C A P. LXXV.

An act for compleating and finishing a new church; and laying out and inclosing a cemetery thereto, in the island of Portland.

### C A P. LXXVI.

*An act for enlarging and altering the terms and powers granted by an act made in the twenty second year of his present Majesty's reign, for effectually amending and repairing the road leading from Wansford Bridge in the county of Northampton, to the town and borough of Stamford in the county of Lincoln; and for repairing the road from the borough of Stamford to Stapleford Bridge, in the parish of Ryhall in the county of Rutland; and from thence to Bourne in the county of Lincoln.*

### C A P. LXXVII.

An act for repairing and widening the road from the town of Farringdon in the county of Berks, to the town of Cricklade, and from thence to the town of Malmesbury in the county of Wilts, and the road from thence to join the turnpike road at Acton Turville in the county of Gloucester.

Glouceſter ; and also the road from Tetbury in the ſaid county, through Malmesbury aforesaid, to Chippenham Bridge ; and the road from Sheriton, to join the turnpike road leading from Tetbury to Bath.

#### C A P. LXXXVIII.

An act for the better paving and amending, cleansing, enlightening and watching the ſtreets, highways, lanes and paſſages, within the town of Shrewsbury in the county of Salop.

#### C A P. LXXXIX.

An act for the better relief and employment of the poor, in the hundreds of Colneis and Carlford in the county of Suffolk.

#### C A P. LXXX.

An act for enlarging the term and powers granted by an act paſſed in the twenty first year of the reign of his preſent Maſtiffy, for repairing the high road from the town of Bowes in the county of York, to Barnard Castle in the county of Durham ; and from thence through Staindrop, to Newgate in Biſhop Auckland ; and from Newgate, along Gibb Chair, to Gaundles Bridge ; and from thence by Milderſton Gill, to the turnpike road near Sunderland Bridge in the county of Durham ; and for making the ſame more effectual.

#### C A P. LXXXI.

An act for amending and keeping in repair the roads leading from a place called Fryer Bacon's Study, to Chilton Pond ; and from the top of Hinkſby Hill, to Foxcombe Hill Gate, in the road leading to Farringdon the county of Berks.

#### C A P. LXXXII.

An act for repairing and widening the road from the White Stoop, near the north end of the town of Derby, through the towns of Duffield and Chesterfield in the county of Derby, to the town of Sheffield in the county of York ; and from the ſaid town of Duffield, to the Moot Hall in the town of Wirkworth in the ſaid county of Derby.

#### C A P. LXXXIII.

An act for repairing and widening the high road from the borough of Ripon by Ingram Bank, to the town of Pately Bridge in the county of York.

#### C A P. LXXXIV.

An act for repairing and widening the roads from the north end of Dunſby Lane, to the ſouth west corner of Rifeholme Hedge, and to Catholm Gate, Drinſey Nooke, and Dunham and Littleburgh Ferries, and from the north end of Waddington Field, and the bridge over the river Wiſham, at Bracebridge, to the city of Lincoln, and from the gate at the foot of Canwicke Hill, to the great bargates of the ſaid city ; and for enforcing the performance of ſtatute-work upon the highways, communicating with the ſaid roads, to a certain diſtance from the ſaid roads.

#### C A P. LXXXV.

An act for repairing and widening the roads leading from the eaſt ſide of Lincoln Heath, to the city of Peterborouſh ; and from the eaſt end of Marham Lane, to the town of Walton in the county of Northampton ; and from the town of Bourn, to the town of Colterworth ; and from Donington High Bridge, to the croſs poſt in the paſh of Haconby ; and from the eaſt end of a lane called Hale Drove, to and through the town of Old Sleaford, to the end of Long Hedge in the paſh of Quarington in the county of Lincoln.

#### C A P. LXXXVI.

An act for building a bridge croſs the river Thameſe, from Black Fryars in the city of London, to the opposite ſide in the county of Surry.

#### C A P. LXXXVII.

An act for regulating the nightly watch and beadels, and better enlightening, paving, and cleansing the ſtreets and other paſſages, and repairing the

the highways within the parishes of Saint John Wapping, Saint Paul Shadwell, the hamlet of Ratcliffe, the parish of Saint Anne in the county of Middlesex, and the precinct of Well Close in the liberty of the Tower of London.

### C A P. LXXXVIII.

An act to enable the respective trustees of the turnpike roads leading to Highgate Gatehouse and Hampstead, and from Saint Giles's Pound to Kilbourn Bridge in the county of Middlesex, to make a new road from the great northern road at Islington, to the Edgware road near Paddington, and also from the north end of Portland Street, cross the Farringdon Pye House Fields, into the said new road; and for enlarging the terms and powers granted by two several acts for repairing the said road from Saint Giles's Pound to Kilbourn Bridge.

### C A P. LXXXIX.

An act for rebuilding the parish church, and enlarging the church yard of Saint John of Wapping, in the county of Middlesex.

### C A P. XC.

An act to enable the proprietors and inhabitants of houses in York Buildings, in the parish of Saint Martin in the Fields in the county of Middlesex, to make and levy a rate on themselves, sufficient to answer the expense of rebuilding or repairing of the terrace walk and water-gate, and such other part of the premises adjoining to the river Thames, and belonging to the said buildings, as shall be judged necessary, and for keeping the same in repair for the future.

### C A P. XCI.

An act for explaining and making more effectual an act passed in the twenty fourth year of the reign of his present Majesty, for repairing the road leading from the east end of Brumpton High Lane in the county of York, to the town of Richmond, and from thence to and through the towns of Askrigg and Ingleton in the said county, to the town of Lancaster in the county of Lancaster; and also for repairing the road leading from Richmond aforesaid, through Gilling, Melsonby and Aldbrough, to Lucy, otherwise Lousy Cross, and from Gilling through Gilling Town Lane, to the turnpike road on Gatherly Moor.

### C A P. XCII.

An act for explaining, amending, and making more effectual, an act of parliament made in the twenty sixth year of the reign of his present Majesty, intituled, *An act for repairing and widening the road from the top of White Sheet Hill in the parish of Donhead Saint Andrew in the county of Wilts, through the towns of Shaftesbury, Milborne Port and Sherborne, in the counties of Dorset and Somerset, to the Half-way House in the parish of Nether, otherwise Lower Compton, in the said county of Dorset, and several other roads near the towns of Shaftesbury and Sherborne aforesaid; and for repairing other roads adjoining to the roads in the said former act mentioned.*

### C A P. XCIII.

An act to enlarge the term and powers of an act for repairing the road from Shrewsbury to Wrexham in the county of Denbigh, and to repair and widen several other roads therein mentioned, and the road from Wrexham to Cheltenham, and from thence to Pen Ford y Waen in the parish of Whitford, and also the road from Broughton to Mold in the county of Flint.

### C A P. XCIV.

An act for amending, repairing, and widening the roads leading from the Rye-way in the parish of Yarpole in the county of Hereford to Presteigne in the county of Radnor, and from thence to Leintwardine, and from Presteigne aforesaid, to the top of Trap Hill, and from the Rye-way aforesaid, by the Maidenhead, to Wooferton in the county of Salop.









